URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

AGENDA

PLANNING AND
DEUELOPMENT
COMMITTEE

APRIL 5, 1995 -

URBAN/MUNICIPAL
CA4 ON HBL A05
C5IP4
1995

Ken Roberts
C.E.O. Hamilton Public Library
2nd flr.

# NOTICE OF MEETING

## PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

APR 5 1995

GOVERNMENT DOCUMENTS

**Wednesday, 1995 April 5th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

Stella Glover

**Stella Glover, Secretary**
**Planning and Development Committee**

## AGENDA

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Zoning Application 94-04, Investors Group, mortgagee in possession, for a change and modification in zoning for lands located at No. 370 Main Street East.

2. Zoning Application 95-02, Imperial Oil Limited, owner, for a modification and a change in zoning for lands located at No. 1445 Main Street West.

   (a) Submission - Barbara Phillips, 44 Maples Avenue
   (b) Submission - B.M. Tinsley, 47 Norfolk Street South
   (c) Presentation of Petition - Ald. Mary Kiss

3. **DELEGATIONS**

   (a) Greencedar/Firenze Retaining Walls - Area Residents

   (b) 66-68 King Street East (The Old Foster Building) - John W. Harvey

4. **CITY COUNCIL REFERRAL BACK/DIRECTOR OF LOCAL PLANNING**

User Fees - Planning

5. **CHIEF ADMINISTRATIVE OFFICER**

Planning Department Integration into the City (report to follow)

6. **PRIVATE AND CONFIDENTIAL AGENDA**

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 March 29
ZAC-94-04
Stinson Neighbourhood

***REPORT TO:*** Ms. Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham
Director of Local Planning

***SUBJECT:*** Request for a change and modification in zoning - No. 370 Main Street East

***RECOMMENDATION:***

1. That approval be given to Amended Zoning Application 94-04, Investors Group, mortgagee in possession, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified, for Block "1", and for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for Block "2", to permit a seven storey mixed commercial and residential building, containing retail space on the ground floor and 50 senior citizen dwelling units on the second to seventh floors, for lands located at No. 370 Main Street East as shown on the attached map marked as APPENDIX "A", on the following basis:

   A) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District.

   B) That the "CR-2" (Commercial - Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

      i) For the purpose of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, the purpose of which is to provide housing subsidies for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside.

ii) Notwithstanding Sections 15B(14) and 15B(16), a mixed commercial and residential development shall be permitted with a total maximum gross floor area of 4,114 $m^2$ and shall include a Senior Citizens' Multiple Dwelling with a maximum of 50 Senior Citizens' Dwelling Units and a maximum residential gross floor area of 3,983 $m^2$, subject to the following special provisions:

a) Notwithstanding Section 15B(8)(b) no building or structure shall exceed 7 storeys or 22.4 m in height.

b) Notwithstanding Section 15B(9) the following minimum yards shall be provided and maintained for any residential use:

| | | |
|---|---|---|
| 1) | front yard (north lot line along Main Street) | 5.0 m |
| 2) | side yard (west lot line) | 0.0 m |
| 3) | side yard (east lot line along Emerald Street) | 0.0 m |
| 4) | rear yard (south lot line) | 4.5 m |

c) Notwithstanding Section 15B(11)(b) a west side yard of 0.0 m may be provided and maintained for any commercial use.

d) Notwithstanding Section 15B(19) a minimum amenity area of 721 $m^2$ shall be provided and maintained.

e) Notwithstanding Section 15B(21) and 15B(22) a minimum landscaped area of 111.5 $m^2$ shall be provided and maintained and may be located above grade, subject to Section 15B(27).

f) Notwithstanding Section 18.(3)(vi), a balcony may project 1.6 m into the required front and rear yards.

g) Notwithstanding Section 18A, a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained.

h) Notwithstanding Section 18A, parking shall be provided and maintained for Senior Citizens' Multiple Dwelling on the basis of 0.3 spaces per Senior Citizens' Dwelling Unit.

i) Notwithstanding Section 18A, a maximum of four of the required parking spaces may be located on Block "2".

C) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

i) Notwithstanding Section 11(1), parking accessory to a mixed residential and commercial development on Block "1" shall be permitted, subject to the following special provisions:

a) Notwithstanding Section 18(A) manoeuvring space may be provided off-site.

b) A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line, except for a distance of 5.0 m from the Emerald Street road allowance.

c) A minimum 2.7 m wide landscaped planting strip shall be provided and maintained along the southerly lot line.

D) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-13 and E-14 be notated S- .

E) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-13 and E-14, for presentation to City Council.

F) That this proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

G) That Blocks "1" and "2" be redesignated on the Approved Stinson Neighbourhood Plan from "Commercial" to "Commercial and Apartments".

***EXPLANATORY NOTE:***

The purpose of the proposed By-law is to provide for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified, for Block "1", and for a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for Block "2", for lands located at No. 370 Main Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit redevelopment of Block "1" for a seven storey, 4,114 $m^2$, mixed commercial and residential building, containing retail space on the ground floor and 50 senior citizen apartment units on the second to seventh floors, and to permit Block "2" to be utilized for parking accessory to the mixed commercial and residential development on Block "1".

In addition, the By-law provides for the following variances as special requirements:

Block "1"

- permits a maximum of 50 Senior Citizens' Dwelling Units with a maximum residential gross floor area of 3,983 $m^2$, whereas the By-law permits a maximum residential gross floor area of 1,631.66 $m^2$;

- permits a maximum building height of 7 storeys, whereas the By-law permits a height of 18 storeys;

- permits the following minimum yards for the residential portion of the building, whereas the By-law requires 9.0 m for the front and east side yards and 11.18 m for the rear and west side yards:

| | |
|---|---|
| -front yard (along Main Street) | 5.0 m |
| -west side yard | 0.0 m |
| -east side yard (along Emerald Street) | 0.0 m |
| -rear yard | 4.5 m |

- permits a minimum west side yard of 0.0 m for the commercial portion of the building, whereas the By-law requires 4.5 m;

- permits a minimum amenity area of 721 $m^2$, whereas the By-law requires a minimum of 1,400 $m^2$;

- permits a minimum landscaped area of 111.5 $m^2$ to be located above grade, whereas the By-law requires a minimum landscaped area of 383.92 $m^2$, of which 143.97 $m^2$ is permitted to be above grade;

- permits one 3.7m x 9.0m x 4.3 m loading space, whereas the By-law requires one 3.7 m x 18.0 m x 4.3 m loading space;

- permits parking for a Senior Citizens' Multiple Dwelling on the basis of 0.3 spaces per Senior Citizen Dwelling Unit, whereas the By-law requires 1.25 spaces per unit for multiple dwellings;

- permits four of the required parking spaces to be located off-site (ie. on Block "2"); and,

- permits the balconies to project 1.6 m into the required front yard and rear yards, whereas the By-law permits a maximum of 1.0 m.

Block "2"

- permits manoeuvring space to be provided off-site (ie. within the public alleyway);
- requires a visual barrier between 1.2 m and 2.0 m in height to be provided and maintained along the southerly lot line, except for a distance of 5.0 m from the Emerald Street road allowance; and,
- requires a minimum 2.7 m wide landscaped planting strip to be provided and maintained along the southerly lot line.



***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The proposal is to rezone the subject lands to permit redevelopment for a seven storey building, containing 130.88 $m^2$ of retail space on the ground floor and a senior citizens' multiple dwelling containing 50 senior citizens' dwelling units on the second to seventh floors (see APPENDIX "B"). The residential gross floor area proposed is 3,982.27 $m^2$, including 721.04 $m^2$ of amenity space. A total of 33 parking spaces will be provided (7 at grade on Block "1", 4 at grade on Block "2" and 22 in an underground garage). The applicant has indicated that the seniors' apartment units will be self contained living quarters operated by a non-profit housing corporation for qualifying senior citizens.

***APPLICANT:***

Investors Group, mortgagee in possession.

***LOT SIZE AND AREA:***

Block "1" has:

- 25.92 m (85.04 ft.) of frontage on Main Street;
- 37.34 m (122.51 ft.) of depth along Emerald Street; and
- 967.80 $m^2$ (10,417.65 sq. ft.) of lot area.

Block "2" has:

- 7.93 m (26.02 ft.) of frontage on Emerald Street;
- 37.50 m (123.03 ft.) of depth; and,
- 297.16 $m^2$ (3,198.71 sq. ft.) of lot area.

***LAND USE AND ZONING:***

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Block "1" - Office building<br>Block "2" - vacant | "H" (Community Shopping and Commercial, etc.) District and "E" (Multiple Dwellings) District |
| Surrounding Lands | | |
| to the north | Commercial retail and office | "H" (Community Shopping and Commercial, etc.) District |
| to the south | Three-family dwelling | "E" (Multiple Dwellings, Lodges, Clubs, etc.) District |
| to the west | Commercial offices and residential apartment | "H" (Community Shopping and Commercial, etc.) District |
| to the east | Former Separate Secondary School | "C"(Urban Protected Residential, etc.) District |

***OFFICIAL PLAN:***

The subject lands are designated "Commercial" on Schedule "A" - Land Use Concept of the Official Plan. The following policies, among others, apply:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.29 Major structures containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL. Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:

i) Amenity spaces will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the COMMERCIAL component;

ii) Prior to any approval for proposed COMMERCIAL /RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated Residential Uses will be minimized;

iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,

iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

The proposal complies with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Commercial" on the Approved Stinson Neighbourhood Plan. The proposal does not comply and, if approved, would require a redesignation of Blocks "1" and "2" to "Commercial and Apartments".

***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority has no objection.
- The Building Department comments are attached as APPENDIX "C".
- The Regional Roads Department comments are attached as APPENDIX "D".
- The Traffic Department comments are attached as APPENDICES "E" and "F".

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not comply with the Approved Stinson Neighbourhood Plan. If approved, an amendment is required to redesignate Blocks "1" and "2" from "Commercial" to "Commercial and Apartments".

3. The application has merit and can be supported on the following basis:

- It complies with the intent of the Official Plan, which designates the subject lands "Commercial" and encourages development that provides a diversity of dwelling forms, tenure options and a range of affordable dwellings;

- It is appropriately located on a major arterial road, at the periphery of a residential neighbourhood;

- It will provide for a seniors residence which is well serviced by public transit and is in close proximity to a number of community facilities (ie. Central Memorial Recreation Centre, Carter Park, commercial establishments, churches, etc.), while maintaining and enhancing the commercial frontage along Main Street East;

- It will be compatible with established development in the surrounding mixed use area, which is comprised of commercial uses, institutional uses and multiple-family and low density residential uses; and,

- The mixed commercial/residential development will be separated and buffered from adjacent residential uses by a public alleyway and Block "2", which will be used for parking only and provides a landscaped buffer strip and visual barrier.

4. Based upon a preliminary site plan (attached as APPENDIX "B"), approval of the application would require the following By-law variances:

- Minimum Lot Area and Density

  The minimum lot area required in the "CR-2" (Commercial - Residential) District is 1,350.0 $m^2$. The area of Block "1" would be 959.8 $m^2$ after dedication of a daylight triangle. A variance to Section 15B(14) of Zoning By-law No. 6593 is required to permit the proposal in this regard. However, the maximum floor area ratio permitted in a "CR-2" District is 4.25, and the proposed gross floor area does not exceed this ratio. In this regard, the variance to permit the development on the reduced lot size can be supported.

- Residential Gross Floor Area

  According to the "CR-2" (Commercial - Residential) District regulations, the residential portion of the building can not exceed a floor area ratio of 1.7. The proposed residential portion represents a floor area ratio of 4.15, and a variance to Section 15B(16) is required in this respect. However, on the basis that the total floor area does not exceed the permitted floor area ratio, (i.e. 4.25), and the development would provide affordable housing for senior citizens at an appropriate location, this variance can be supported.

- Definition of "Senior Citizens' Dwelling Unit"

The proposal has been evaluated on the basis of non-profit housing accommodation for senior citizens. In this regard, the site specific By-law should provide a definition of "Senior Citizens' Dwelling Unit" to ensure that the variances would only apply for the intended type of residential dwelling units.

- Yards

The site plan requires a number of variances for yards. With regard to the ground level or commercial portion of the building, a 4.5 m west side yard is required, whereas none would be provided. With regard to the residential portion, the proposed front yard is 5.0 m, whereas the By-law requires 9.0 m, proposed side yards are 0.0 m, whereas the By-law requires 9.0 m and 11.18 m, and the proposed rear yard is 4.5 m, whereas the By-law requires 11.18 m. It is noted that the proposed yards are consistent with, and complement, the existing streetscape (ie. continuance of commercial frontage on Main Street). In addition, it is noted that the building will be separated from the adjacent residential uses to the south by the alleyway and the parking area on Block "2". Consequently, given the site restrictions (ie. lot size and area) and the character of development in the adjacent area, the reduced yards can be supported.

Further to the above, the proposed balconies would project 1.6 m into the front and rear yards, whereas the By-law permits a maximum projection of 1.0 m. It is noted that seniors are likely to make greater use of this amenity space for leisure activities, consequently, a variance can be supported.

- Building Height

The "CR-2" (Commercial - Residential) District provisions permits a maximum building height of 18 storeys. The development should be restricted to 7 storeys in height to reflect the specific proposal and ensure compatibility with adjacent development.

- Landscaping and Amenity Area

A variance is required to allow 111.5 $m^2$ of landscaped area above grade and none at grade, whereas the By-law requires a total landscaped area of 383.92 $m^2$, 143 $m^2$ of which must be located at grade. Furthermore, the By-law requires 28 $m^2$ of amenity space per dwelling unit (a total of 1,400 $m^2$). The proposal is to provide 14.42 $m^2$ of amenity space per unit (a total of 721 $m^2$). Given the site restrictions (ie. lot size and area) it is felt that an appropriate landscaped area is proposed. Furthermore, the use of landscaped area by residents would be maximized, since the 111.5 $m^2$ would be consolidated in an above grade terrace

to be accessible to all residents, and located in conjunction with other recreation areas (ie. lounge, kitchen, recreation, craft and hobby rooms). This is preferable to fragmented strips of landscaping located in an area which may not provide the same level of privacy or enjoyment. In addition, it is noted that the subject lands are located in close proximity to a city park and community centre. Based on the foregoing, the variances can be supported.

- Parking and Loading

  A variance is proposed to provide parking on the basis of 0.3 spaces per Senior Citizens' Dwelling Unit, whereas the By-law requires 1.25 spaces per unit for a multiple dwelling. It is noted that 33 parking spaces are proposed which would represent a ratio of 0.66 spaces per unit. However, the Traffic Department supports a ratio of 0.3 spaces per unit, on the basis of the definition of Senior Citizens' Dwelling Unit. In addition, the 0.3 ratio is consistent with the requirement currently contained in the By-law for a "Home for the Elderly". Furthermore, the Traffic Department also indicates that should the development include a mix of subsidized units and market value rental units, a ratio of 1.25 should be applied to the market value units. In this regard, the 0.3 parking ratio would only apply to those units which fall under the definition of Senior Citizens' Dwelling Unit, and would provide for the option of offering a portion of the units at market rental value with parking at a ratio of 1.25.

  A variance is also proposed to provide one small loading space, whereas the By-law requires one large space. The Traffic Department has indicated that this is acceptable.

- Buffering

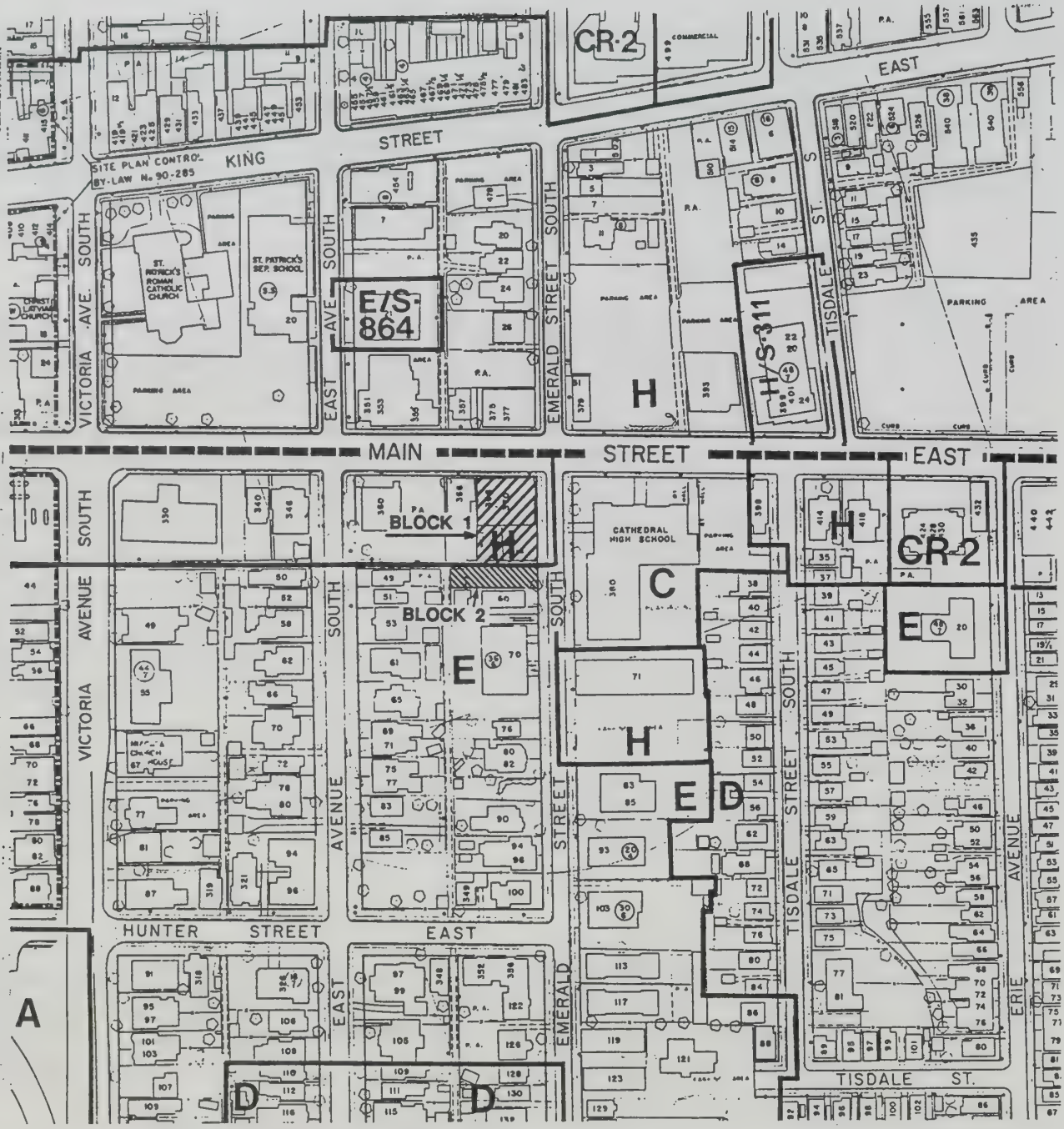
  To ensure adequate buffering is provided between Block "2" and the adjacent three-family dwelling to the south of the subject lands, a 1.2 m to 2.0 m high visual barrier should be required. In addition, the site plan proposes a 2.7 m wide landscaped strip along the southerly lot line of Block "2", and this should be included as a special requirement.

5. The "CR-2" (Commercial - Residential) District is subject to Site Plan Control. As such, matter such as site grading, visibility, parking, access, landscaping, etc. can be reviewed through Site Plan Control. In addition, the required alleyway widening and daylight triangle dedications and associated costs can be acquired at the time of Site Plan approval.

***CONCLUSION:***

Based on the foregoing, the amended application can be supported.

CL-M




**Legend**

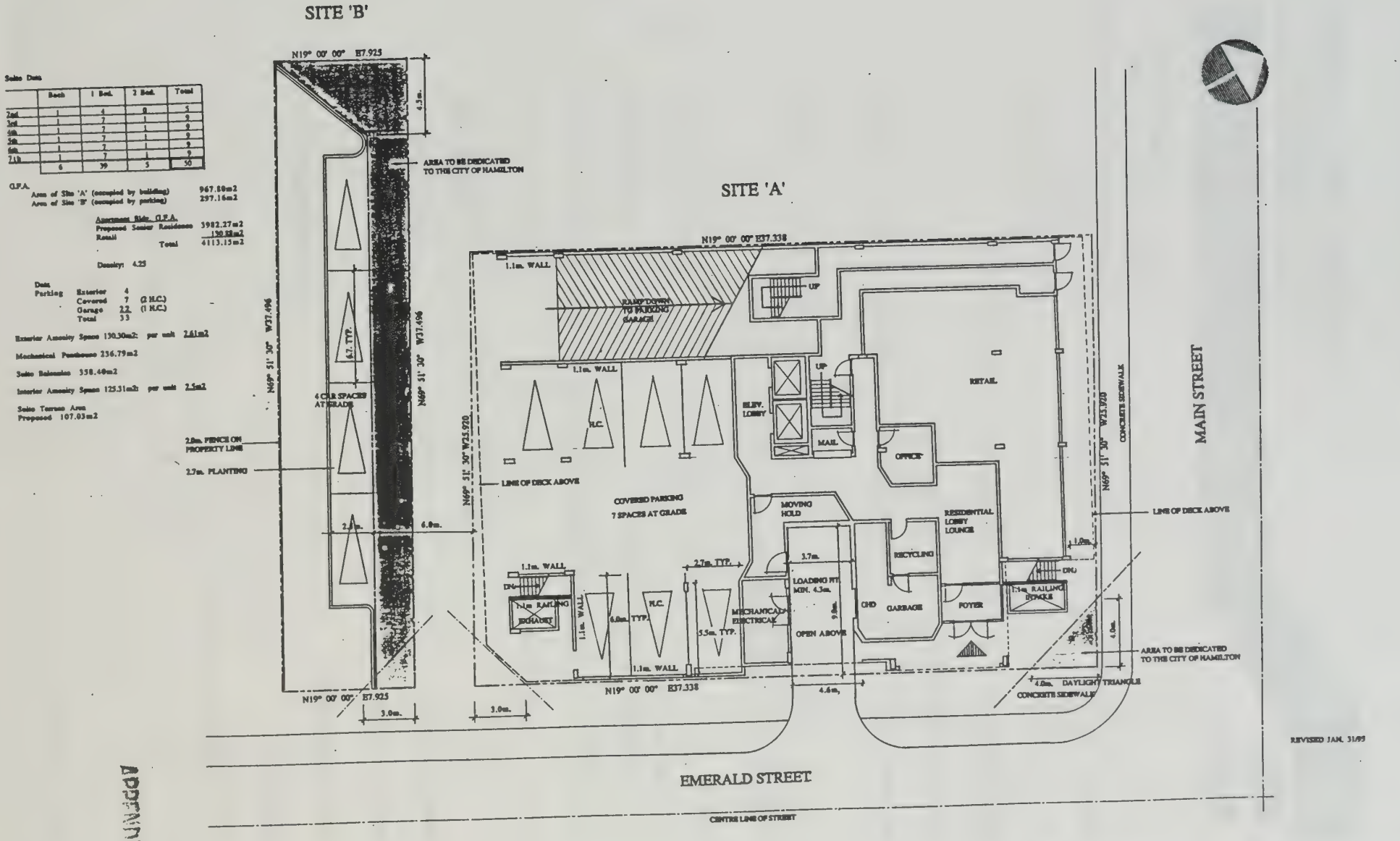
ZAC-94-04

Proposed Changes in Zoning From:

**BLOCK 1** — "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified.

**BLOCK 2** — Proposed modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations.

APPENDIX A




APPENDIX B

REVISED JAN. 31/95

NORTHGRAVE ARCHITECT INC.

SITE/GROUND FLOOR PLAN SK1
SENIORS APARTMENT BUILDING
370 MAIN ST. EAST, HAMILTON, ONT.
C.M. SEPT. 13, 1994; 1:100; MAIN

**BUILDING DEPARTMENT**
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

FILE: ZAC-94-04
ATTENTION OF: S. Parker
TELEPHONE NO: (905) 546-2722

March 22, 1995

MAP NUMBER: E-13 & E-14

PROPOSED ZONING: CR-2 & E Modified

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Dear Sir:

RE: ZAC-94-04
370 MAIN STREET EAST

The above, under cover of your letter dated February 13, 1995, has been examined.

NOTE: * *denotes variances*

| | Required/Permitted | Proposed | |
|---|---|---|---|
| **Building Height** | 18 storeys | 7 (22.36m) | |

Angle of light of 75° from Main Street and Emerald Street appear to comply.

**Yard Requirements:**

Residential

| | | | |
|---|---|---|---|
| Main Street | 9.0m | 5.0m | * |
| Emerald Street | 9.0m | 0.0m | * |
| South Lot Line | 11.18m | 4.5m | * |
| West Lot Line | 11.18m | 0.0m | * |

Continued on Page Two .....

APPENDIX C

| | Required/Permitted | Proposed | |
|---|---|---|---|
| Commercial | | | |
| Main Street | 0.0m | 0.0m | |
| Emerald Street | 0.0m | 0.0m | |
| South Lot Line | 0.0m | 0.0m | |
| West Lot Line | 4.5m | 0.0m | * |

Columns 1, 2 and 3 of Table 15B.(16)(b) only apply to a lot having an area not less than 1350m$^2$.

| | | | |
|---|---|---|---|
| **Lot Area** | minimum 1350.0m$^2$ | 959.8m$^2$ | * |

NOTE: *It appears that the actual lot area is less than indicated due to daylight triangle being dedicated to the City*

(25.92 x 37.338 = 967.8m$^2$ - 8m$^2$ = 959.8m$^2$)

| | | | |
|---|---|---|---|
| Total Gross Area & Factor | maximum 4.25 (4079.15m$^2$) | 4.25 (4113.15m$^2$) | * |
| Total Gross Area & Factor (Residential Portion) | 959.8 x 1.7 = 1631.66m$^2$ | 3982.27m$^2$ | * |
| **Amenity Area** | | | |
| 28m$^2$ x 50 | 1400.0m$^2$ minimum | 721.04m$^2$ | * |
| **Landscaped Areas** | | | |
| 40% x 959.8m$^2$ | 383.92m$^2$ | 111.5m$^2$ | * |
| 15% at grade | 143.97m$^2$ | 0.0m | * |
| **Parking Requirements**: | | | |
| 50 x 1.25 | 63 | 33 | * |
| **Loading Requirements**: | | | |
| | 1 3.7m x 18.0m x 4.3m | 1 3.7m x 9.0m x 4.3 | * |

1. The balconies project more than the 1.0m into the front and rear yards. *

2. Four (4) parking spaces not located on site. *

3. Parking is not permitted as a principle use in an "E" District. *

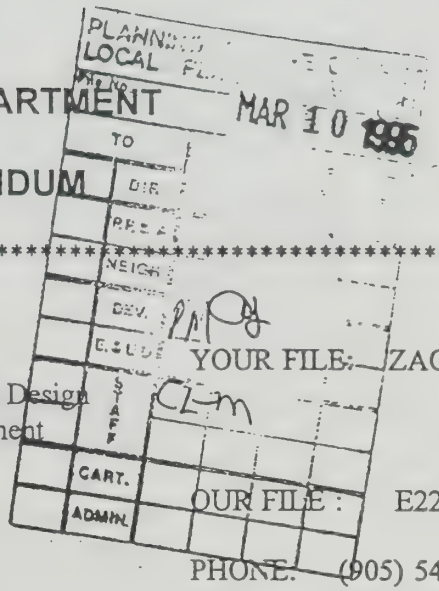
Continued on Page Three .....

4. The required manoeuvring space for the parking spaces must be provided on the lot. *

Yours truly

for the Building Commissioner

SP/zr




# ROADS DEPARTMENT

## MEMORANDUM

**********

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE: ZAC-94-04

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE : E220-1905

PHONE: (905) 546-2809
FAX: (905) 546-2870

SUBJECT: **Zoning Application 94-04 by the Investors Group for the property at No. 370 Main Street East**

DATE: 1995 March 9

We refer to our previous comments on this application in our memos dated April 28, 1994, November 24, 1994 and the revised site plans submitted to this Office with a memo dated February 14, 1995. We have reviewed this plan and provide the following comments:

1. There are public watermains and combined storm and sanitary sewers available to service these lands.

2. As a condition of development/site plan approval, we require that a 4m by 4m daylight triangle, at the southwest corner of Emerald Street and Main Street, be dedicated to the Region, not the City of Hamilton, for road widening purposes.

3. Comment No. 3 in our previous memo dated November 24, 1994 is still applicable. As noted previously, we recommend that all doors facing Main Street be either recessed into the structure or the door revised to swing in only.

4. We understand that the Traffic Department will be commenting on the parking and loading requirements for this development and the maneuvering of service vehicles on the site.

5. According to our records, the existing alley to the rear of the subject lands is public assumed and 3.658m in width. As a condition of development/site plan approval we will recommend that:

   i) Sufficient lands be dedicated to the City of Hamilton for the widening of the public assumed alley to a minimum width of 6.0m and to establish a 4.5 by

continued...

APPENDIX D

Zoning Application 94-04
No. 370 Main Street East
City of Hamilton

continued...

7.925m daylight triangle road widening between the north-south and east-west alley intersection point.

ii) That the applicant/owner pay all costs to the City of Hamilton to establish the alley and construct the widened portion of the alley to City of Hamilton standards.

6. We recommend that as a condition of rezoning approval that a clause be included in the amending Zoning By-Law which stipulates that lands on the south side of the alley only be developed in conjunction with lands on the north side of the alley.

7. As was noted at a meeting between staff and the applicant in December, 1994, there is a significant grade difference between the alley to the rear of the subject property and the street elevation on Main Street. The elevation plans submitted by the owner indicate a level streetscape on the Emerald Street side. The buildings may have to be stepped to accommodate this grade change on private property and the applicant should be advised of this outstanding matter. Further, the driveway ramp grades should be reviewed since this grade difference between the alley and the bottom elevation of the parking garage may be increased significantly due to the property grade change. These matters should be reviewed with staff of the City of Hamilton Traffic Department.

8. We require 5m by 5m daylight triangles between the widened alley limits and the Emerald Street road allowance limits in which the maximum height of any objects or mature vegetation is not to exceed 0.60m above the corresponding perpendicular centreline elevation of Emerald Street.

9. The height of the 1.1m wall adjacent to ramps, and within 5m of the alley limits, should be reduced to a maximum height of 0.60m.

10. The 2.0m high fence adjacent to the south property line should be recessed 5m from the Emerald Street road allowance limits and 5m from the north-south alley limits.

11. Any other works which may occur within the adjacent road allowances, as widened and in the public assumed alley as widened, must conform to the respective Streets By-laws.

12. More detailed comments on this development proposal will be provided at such time as detailed site, grading and landscape plans are submitted to this Office for review and approval.

continued...

Zoning Application 94-04
No. 370 Main Street East
City of Hamilton

continued...

Should you require further information on these matters, please contact Mr. H. Groen of this Office at 546-4278.

HNG

cc: Roland Karl, City of Hamilton Traffic Department

cc: Reg Meiers, City of Hamilton Public Works Department

m:\w\storage\za94-04.3rd

TRAFFIC DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419

1995 March 3

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

**Re: ZAC 94-04 - Revised Plans**
**370 Main Street East**

In response to your letter of 1995 February 13, please be advised that we have reviewed the above application and have the following comments.

The application for a change in zoning to permit the proposed development of a seniors apartment including commercial retail uses can be supported in principle.

During preliminary discussions with the applicant, we requested that documentation be provided that would ensure that the residential portion of the proposed development would be limited to seniors apartments to justify the application of the parking requirement for seniors apartments rather than a multiple dwelling.

We have reviewed information from the applicant that includes a definition of a Senior Citizens Building and recommend that the definition be modified to state the following:

> "a Senior Citizen Dwelling Unit shall mean a Class A Dwelling Unit operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, the purpose of which is to provide housing subsidies for qualifying senior citizens."

We would be prepared to accept the application of the reduced parking requirement (.3 of a space per unit) for seniors apartments for those units that are rent geared to income and are eligible for subsidy. For those units that are to be rented at market value the normal multiple dwelling parking requirement (1.25 spaces per unit) would apply.

APPENDIX E

We recommend that the applicant be advised that the formal site plan application must include information regarding the proposed mix of units ie: the number of units to be rent geared to income and the number of units to rented at market value. This will permit the determination of the appropriate number of parking spaces to be provided.

In addition, we request that the proposed by-law, assuming that the application is approved, be forwarded for our review prior to being adopted.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

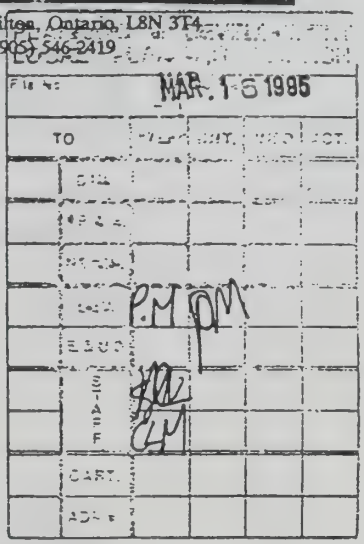
RK/BF/kg

cc: E.P. Chajka, Manager of Development, Roads Department

TRAFFIC DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419




1995 March 10

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. Paul Mallard

Dear Sir:

Re: ZAC 94-04 (Revised Plans)
370 Main Street East

Further to our letter dated 1995 March 3, we add the following comments.

Upon receipt of a survey plan indicating the existing elevations of the alleyway at the rear of the subject property and the elevations of the existing building at Main Street, we have reviewed the preliminary design of the access to the underground parking and have the following comments.

The plan indicates a difference in elevation of approximately 1.14 m between the alleyway and the front of the existing building at Main Street. Considering the length of the proposed ramp and the existing difference in elevation, we are concerned that the slope of the ramp to access the underground parking will be excessive.

In addition, our further review indicates that there is no connection to provide access between the loading area and the proposed retail floor area on the first floor. We recommend that the floor plan included in the formal site plan application be modified to facilitate access between the retail floor area the loading area.

Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P. Eng.
Director of Traffic Services

RK/BF/kg

c.c. E.P. Chajka, Manager of Development, Roads Department

APPENDIX F

2.

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 March 29
ZAC-95-02
Ainsliewood East Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham
Director of Local Planning

***SUBJECT:*** Request for a modification and a change in zoning for lands located at No. 1445 Main Street West.

***RECOMMENDATION:***

1. That approval be given to Zoning Application 95-02, Imperial Oil Limited, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for Block "2", to permit the development of a gas bar and car wash with drive thru restaurant and convenience store, for property located at 1445 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District;

   ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

      a) Notwithstanding Section 14.(1)(xviia) of Zoning By-Law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted;

      b) Notwithstanding Section 18.(3)(ivc)(a) of Zoning By-Law No. 6593, a 4.0 m minimum northerly side yard shall be provided and maintained for every building or structure;

      c) Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical

projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 3.0 m from the Main Street West streetline shall be permitted;

d) Notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;

e) No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

f) A landscape area not less than 6.0 m in width shall be provided and maintained along the westerly lot line where the lot adjoins a residential district and no parking or other use shall be permitted within the landscape area, except for the one bay mechanical car wash;

g) A landscape area not less than 3.0 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveways access;

h) A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line, where the lot adjoins a residential district;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-46 be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-46 for presentation to City Council; and,

v) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. That Site Plan Control By-Law No. 79-275 as amended by By-Law No. 87-223 be amended by adding the subject lands to Schedule "A".

*EXPLANATORY NOTE:*

The purpose of the By-Law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for Block "2", for property located at 1445 Main Street West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-Law is to permit redevelopment of the existing gas station and repair garage for a free standing single bay car wash in conjunction with a gas bar and drive thru restaurant and convenience store (kiosk).

In addition, the By-Law provides for the following variances as special requirements:

- permits a free standing single bay mechanical car wash, accessory to a gas bar, whereas the By-law allows an accessory single bay mechanical car wash only when it is within the same building as an automobile service station or public garage, and provided it does not occupy more than 30% of the gross floor area of the service station or garage;

- permits a 4.0 m minimum northerly side yard for every building or structure where as 6.0 m minimum is required;

- permits one (1) business identification sign that is ground sign having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and shall be located not less than 3.0 m from the Main Street West streetline;

- permits one (1) directional sign at each point of ingress and egress, and each sign shall not exceed 1.2 square metres (12.92 square feet) in size, whereas no signs are permitted in the required landscape area;

- requires signs to be illuminated with a source of light that is steady and suitably shielded to contain the illumination;

- requires a minimum 6.0 m wide landscape area along the westerly lot line, whereas the By-law only requires a 3.0 m planting strip;

- requires a landscape area not less than 3.0 m in width along the northerly and easterly lot lines, except for any area used for access driveways, whereas the By-law does not require a landscape area next to the road allowance; and,

- requires a visual/acoustical barrier between 1.8 m and 2.0 m in height along the westerly lot lines where the lot adjoins a residential district, whereas the By-law only requires a visual barrier 1.2 m to 2.0 m in height.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

  The applicant has applied for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for Block "2", to permit the development of a gas bar and car wash with drive thru restaurant and convenience store (see Appendix "B").

  It should be noted that, except for the modification to permit the free standing single bay car wash, the proposed uses (i.e. gas bar, drive thru restaurant and convenience store) are currently permitted within the established "H" (Community Shopping and Commercial, etc.) District regulations.

***APPLICANT:***

Imperial Oil Limited, owner.

***LOT SIZE AND AREA:***

- 68.07 m (223.32 ft.) of lot frontage;
- 159.0 m (521 ft.) of lot depth; and,
- 5,842 $m^2$ (1.44 acres) of lot area.

***LAND USE AND ZONING:***

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Block "1" - Service Station with Gas Bar and Kiosk Store | "H" (Community Shopping and Commercial, etc.) District |
| | Block "2" - Abandoned TH&B Railway Line | "C" (Urban Protected Residential, etc.) District |
| Surrounding Lands | | |
| to the north | Ronald McDonald House | "H" (Community Shopping and Commercial, etc.) District, modified |
| to the west | Fire Hall and Residential | "H" (Community Shopping and Commercial, etc.) District and "C" (Urban Protected Residential, etc.) District |

| | | |
|---|---|---|
| to the east | School and Residential | "C" (Urban Protected Residential, etc.) District |
| to the south | Residential | "C" (Urban Protected Residential, etc.) District |

***OFFICIAL PLAN:***

The subject lands are designated ***Commercial*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-Commercial uses. Such development will only be permitted where: traffic and/or parking problems will not be created; and, on Arterial Roads identified on Schedule "F".

A.2.2.30 AUTOMOBILE SERVICE STATIONS will mean land or buildings where oil and gasoline are kept for sale, and where minor automotive repairs may be carried out. In considering proposals for new AUTOMOBILE SERVICE STATIONS, Council will require that the following provisions are complied with in all respects:

i) The preferred location for an AUTOMOBILE SERVICE STATION will be adjacent to the intersections of major roads and, in the case of Shopping Centres, the structure will be physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,

ii) An AUTOMOBILE SERVICE STATION will only be permitted where the

movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of its location and operation.

A.2.2.31 Council will endeavour to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

i) The establishment of building separation distance and yard requirements;

ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;

iii) Paved surface requirements for all non-landscaped areas;

iv) The restriction of outside storage, other than automobiles;

v) The establishment of separation distance requirements from Residential or other land uses for all ingress or egress ramps; and,

vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.34 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking

and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices.

A.2.2.38 No parking facility serving a COMMERCIAL USE or group of uses will be permitted beyond a COMMERCIAL designation, nor will vehicular access to said COMMERCIAL USES be permitted over Residentially designated lands.

A.2.2.39 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The subject lands are located within the "Commercial" designation. However, recognizing that the eastern limit of the subject lands are located on the boundary between the "Commercial" and "Residential" land use classes, policy D.8.2 should be noted.

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

The proposal does not conflict with the Official Plan.

***NEIGHBOURHOOD PLAN:***

There is no approved Neighbourhood Plan for the Ainsliewood East Neighbourhood.

***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objection:

  - Hamilton Conservation Authority; and,
  - Union Gas.

- The Building Department has advised that:

  "1. The proposed car wash is not permitted. Only a manual or mechanical car wash utilizing not more than one bay or stall as an accessory use to an automobile service station is permitted, provided the car wash is in the same building and

does not occupy more than 30% of the gross floor area of the service station.

2. The proposed car wash shall conform to car wash, manual or car wash, mechanical as defined under Section 2(2) H (1a) and (1b) of Zoning By-law No. 6593.

3. The proposed car wash building must be at least 6.0 m from the "C" Zoning District boundary to the west.

4. A planting strip at least 3.0 m wide shall be provided along the entire westerly lot line that adjoins the "C" District. A planting strip is an area of land growing ornamental shrubs or trees or both.

5. A visual barrier not less than 1.2 m in height and not more than 2.0 m in height shall be erected and maintained along the entire westerly lot line that adjoins the "C" district.

6. The take out is considered a restaurant use.

7. The parking area must be at least 12.0 m from the residential "C" District to the west.

8. The point of ingress or egress located at the southerly portion of the street lot line of Leland Street must be at least 30.0 m from residential "C" District to the west."

- The Traffic Department has advised that:

"The application for a change in zoning to permit the development of the subject lands is satisfactory.

We have reviewed the preliminary plan submitted with the application and have a number of comments.

We recommend that the storage lane for the drive thru be extended, as shown in red on the attached plan, in order to provide adequate storage of vehicles attempting to access the drive thru without interfering with the traffic circulation on-site and to facilitate the provision of additional landscaping along the frontage on Leland Street. This will reduce the number of driveways on Leland Street.

In addition to modifying the access to the drive thru, we recommend that the parking adjacent to the car wash storage lane and the garbage facility be relocated to improve the traffic circulation on-site. During discussions with the applicant, it was indicated that patrons wishing to use the car wash will be required to pick up tokens from the convenience store. The relocation of the on-site parking will compliment this activity.

The driveway on Leland Street is essential to provide adequate manoeuvring for delivery vehicles to enter and exit the site and to provide access to the signalized intersection for

vehicles to turn left and travel westbound on Main Street West rather than attempting to turn left from the existing driveways on Main Street.

The survey plan indicates that there are a number of trees located within the road allowance of Leland Street, some of which may need to be removed to accommodate the access driveway. Therefore, we recommend that the applicant contact Mr. J. Pook, of the Public Works Department to review the removal of City trees prior to finalizing a Site Plan Application.

We are in the process of reviewing proposed modification to the pavement markings and medians at this intersection which may require minor modification to the location of the driveways on Main Street shown on the preliminary plan."

- The Roads Department has reviewed the application and forwards the attached comments (see Appendix "C").

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

    - it complies with the intent of the Official Plan which designates the site "COMMERCIAL";

    - it is appropriately located on a major arterial road;

    - it would be compatible with existing development in the area, which includes commercial uses to the north, west and east along Main Street West. Extensive landscaping and acoustical barriers are proposed to buffer the adjacent residential uses to the west and the east; and,

    - it would be no less feasible than a single bay mechanical car wash in the same building as an automobile service station or public garage, which would be permitted under the existing zoning regulations.

      In this regard, the restrictions to the "H" Districts concerning car washes were introduced in the 1970's, to mitigate the potential effects on adjacent residential uses. However, the proposed single bay mechanical car wash is a modern roll-over type car wash operated by the motorist from within the vehicle. Furthermore, the proposed free standing mechanical car wash would be limited to one bay and permitted only as an accessory use to a gas bar.

3. The Building Department has reviewed the site plan submitted (see Appendix "B") with the application and has noted that the following variances are required:

    - proposed is a free standing single bay mechanical car wash, accessory to a gas

bar, whereas the By-law allows an accessory single bay mechanical car wash only when it is within the same building as an automobile service station or public garage, and provided it does not occupy more than 30% of the gross floor area of the service station or garage. This provision of the zoning by-law does not recognize and/or anticipate a modern gas bar and with a freestanding car wash; and,

- proposed is a 4.0 m minimum westerly side yard for the single bay mechanical cash, whereas 6.0 m minimum is required [Section 18.(3)(ivc)(a)]. Given that this yard abuts the fire station parking area to the north and will provide for adequate on-site manoeuvring between the carwash structure and gas pumps canopy the variance is considered minor in nature and can be supported.

5. The following special provisions should be applied to mitigate potential negative spill over effects (eg. noise, headlight glare and sign illumination ) of the proposal on the adjacent residential districts and to enhance the Main Street West and Leland Street streetscapes:

- One (1) business identification sign that is ground sign, has been proposed along Main Street West. In order to minimize the effect on the adjacent residential uses on Leland Avenue, it is recommended that the ground sign be 3.0 m from the Main Street West streetline only, be restricted to a vertical dimension of not more than 6.0 metres, and have an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot. This restriction is typical of what is permitted in other similar zoning districts (i.e. "HH" - Districts);

- All signs should be illuminated with a source of light that is steady and suitably shielded to contain the illumination;

- A landscape area not less than 6.0 m in width should be provided and maintained along the westerly lot line where the lot adjoins a residential district, and no parking or other use should be permitted within the landscape area, except the one bay mechanical car wash, whereas the By-law only requires a minimum 3.0 m planting strip;

- A landscape area not less than 3.0 m in width should be provided and maintained along the northerly and easterly lot lines adjacent to Main Street West and Leland Avenue, except for any area used for access driveways, whereas the By-law does not require such a landscape area; and further, one (1) directional sign shall be permitted at each point of ingress and egress not exceeding 1.2 square metres (12.92 square feet) in size, which is consistent with existing By-law regulations;

- A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height should be provided and maintained along the westerly lot line where the lot adjoins a residential district, whereas the By-law requires a visual barrier 1.2 m to 2.0 m in height.

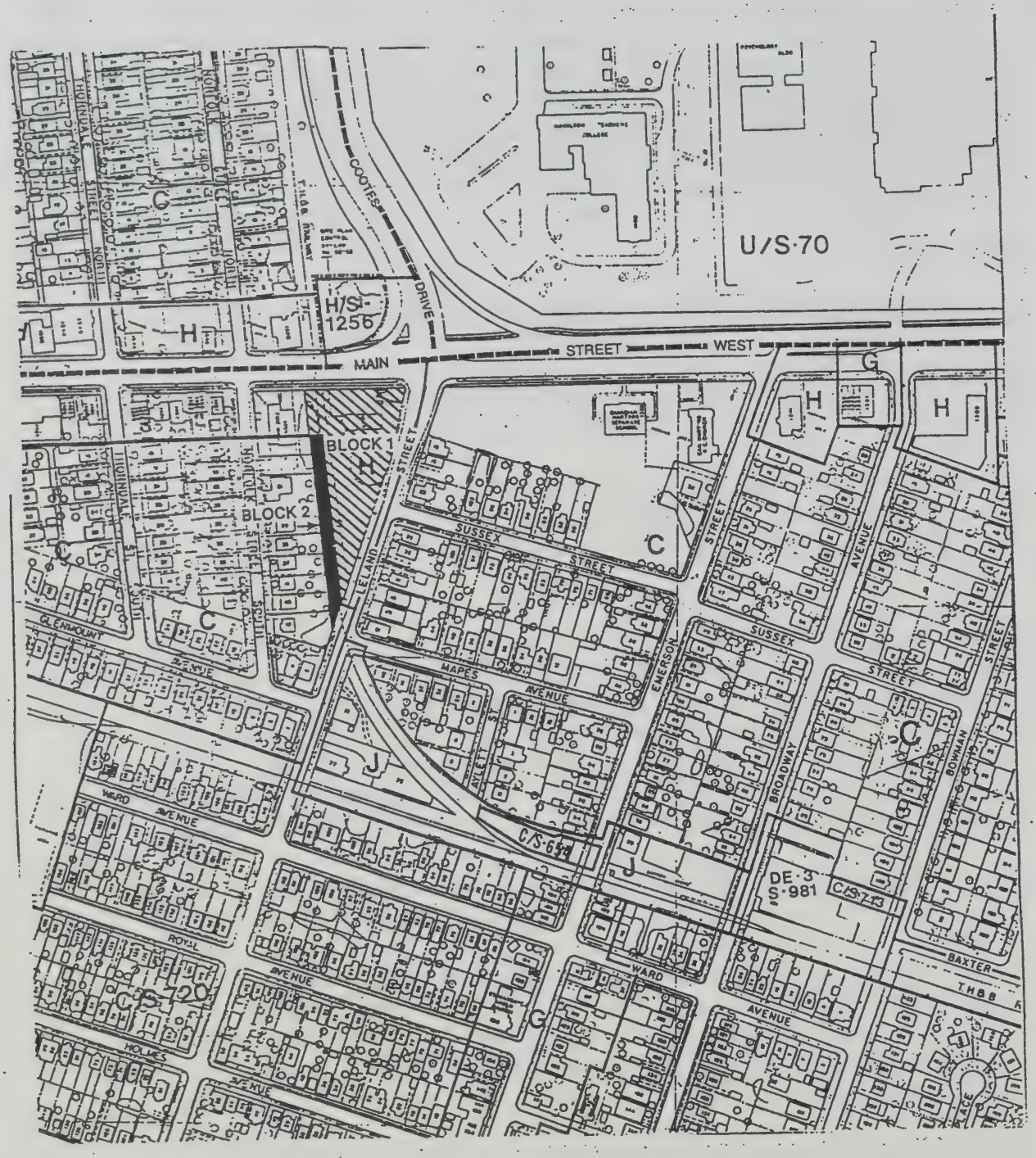
6. The "H" (Community Shopping and Commercial, etc.) District is not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In this regard, it would be appropriate to place the subject lands under Site Plan Control so that matters related to the details of development (i.e. access, grading, landscaping, building elevations etc.) and matters mentioned in the Regional Roads Department comments (see Appendix "C") such as an access agreement, daylight triangles, fencing, etc. can be further reviewed during the Site Plan process.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

JL/jl

WPZAC9502



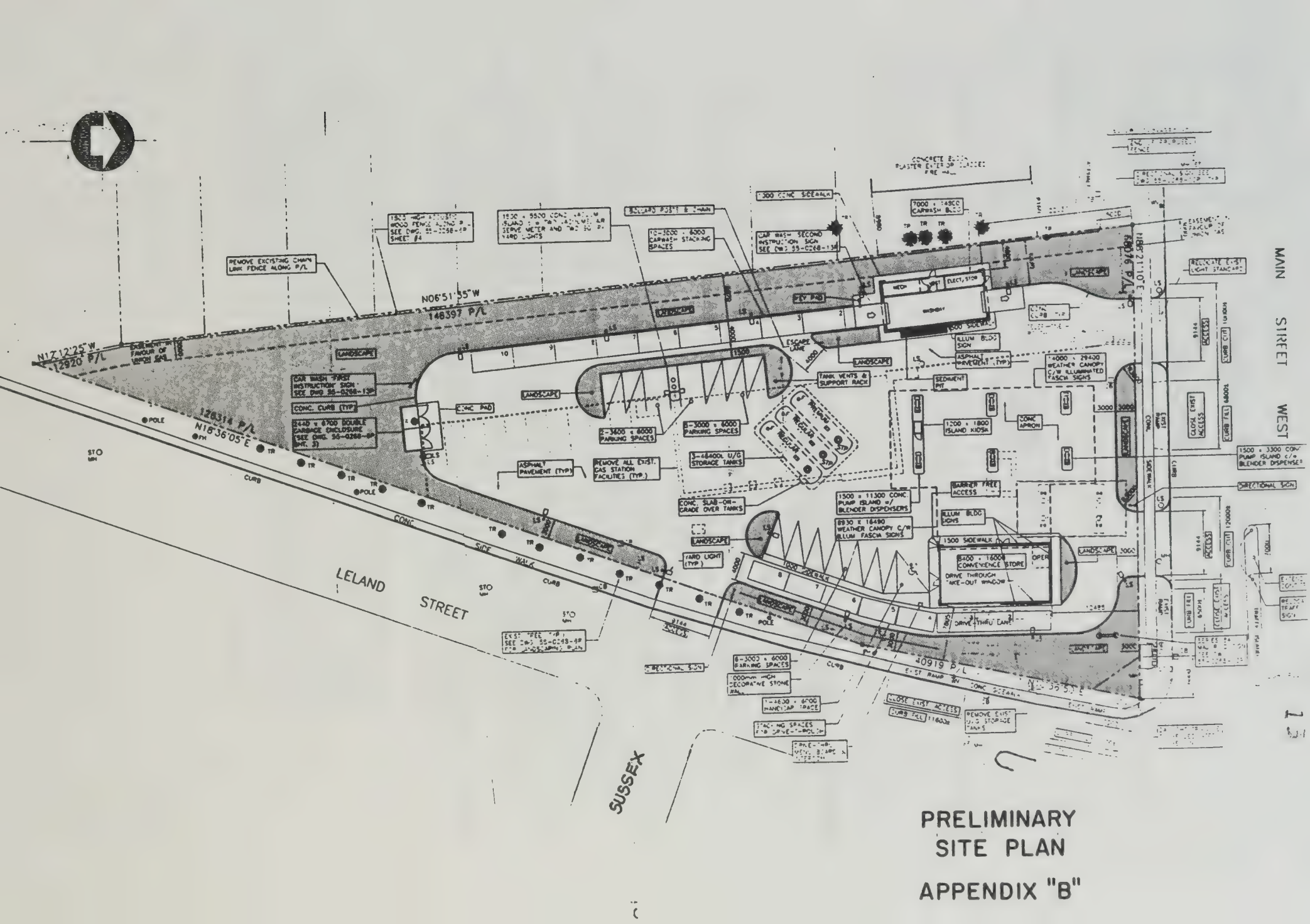

## Legend

ZAC-95-02

BLOCK 1 — Modification to the established "H" (Community Shopping and Commercial, etc.) District

APPENDIX A

BLOCK 2 — From: "C" (Urban Protected Residential, etc.) District
To: "H" (Community Shopping and Commercial, etc.) District, modified




# PRELIMINARY SITE PLAN

## APPENDIX "B"

LOCAL PLANNING MUNICIPALITY
FILE NO.
RECEIVED
MAR 07 1995
TO | REPLY | INIT. | DISC. | ACT.
DIR.
A.P. & A.
PLANNING
199
T.H.

# ROADS DEPARTMENT

## MEMORANDUM

**********

TO: P. Mallard
Division Head, Land Use and Urban Design
Department of Planning & Development

YOUR FILE: ZAC-95-02

FROM: E. P. Chajka, P. Eng.
Manager of Development
Roads Department

OUR FILE: E220-0101

PHONE: (905) 546-2809
FAX: (905) 546-2870
DATE: 1995 March 1

SUBJECT: **Zoning Application 95-02 by Imperial Oil Limited for the Property at 1445 Main Street West**

1. The existing road allowance width of Main Street West is 26.21m. Therefore we do not anticipate any further road allowance widenings along the Main Street frontage at this time.

2. The existing road allowance width of Leland Street is 18.29m. There was a previous triangular road widening on the west side of Leland Street to accommodate the intersection of Cootes Drive on the northside of Main Street.

3. As a condition of development/site plan approval, we will require that a minimum 6m (on Main Street) by 7m (on Leland Street) daylight triangle at the intersection of Leland Street and Main Street be dedicated to the Region for road widening purposes. The site plans must be revised to reflect this road widening and the proposed signs and landscaping area relocated to private property accordingly.

4. As a condition of site plan approval, we will require that the applicant/owner enter into an Access Agreement with the Region to extend the existing raised concrete median island on Main Street westerly approximately 7m to ensure that the easterly access to the subject lands on Main Street is restricted to right turn in and right turn out only. The actual length of the concrete island extension will be determined at such time as detailed site plans are submitted for our review.

cont'd...

APPENDIX 3

Rezoning Application 95-02
No. 1445 Main Street West
City of Hamilton

cont'd...

5. We recommend that as a condition of rezoning that the subject lands be developed through site plan control.

6. Approach approvals for access to Main Street and Leland Street are required from the City of Hamilton Traffic Department.

7. All fences must be located a minimum of 3 metres from the Leland Street road allowance limits and 5 metres from the Main Street road allowance limits.

8. We require 5m by 5m daylight triangles on private property between the accesses and the Leland Street road allowance limits and the Main Street road allowance limits in which the maximum height of any object or mature vegetation etc. is not to exceed 0.60m above the corresponding centreline elevation of the adjacent street.

9. Any other works which may occur within the adjacent road allowances or the daylight triangle, as widened, must conform to the respective Streets By-laws.

10. The planting or removal of any trees or vegetation within the Main Street or Leland Street road allowance limits requires the approval of the City of Hamilton Public Works Department - Forestry Section. It should also be determined by their Department whether the trees adjacent to the proposed access can be retained or must be removed for motorist sight line purposes.

11. There are public watermains and combined storm and sanitary sewers available to service these lands.

Eugene P. Chajka, P. Eng.
Manager of Development

CAU
cc: K. Lau, Surveys
cc: Roland Karl, City Traffic

Copy Sent to: V. Abraham - Director of Local Planning; P.Noe Johnson - City Solicitor; M. Main - Director of Traffic Services; Ald. D. Drury, Chairperson - P&D Ctte; Ald. F. D'Amico - ViceChair - P&D Ctte. 1995 March 22/95. S.Glover -Sec.P&D Ctte.

2(a)

MAR 21 1995


114 Mapes Avenue,
Hamilton. Ont.
L8S 2K4.


20th March '95.

The Secretary
Planning + Development Committee.
City Hall
HAMILTON, Ont.

ZAC 95-02

To whom it May Concern:.

Re:- Modification + Change in Zoning
at 1115 Main W.

I am enclosing the business reply card in respect of the above proposal. I have indicated my opposition to the proposal. The following are my reasons.

(1) There are a number of fast food outlets convenience stores and a car wash. already established within half a mile or less of this site.

(2) The change would result in a greatly increased volume of traffic, raising noise and air pollution, in what is a largely residential area.

(3) The intersection of Main West/Leland Ave/ Cootes Drive is already dangerous.

P.T.O.

A further volume of traffic would increase the risk, or result in traffic detouring along previously quiet residential streets such as Sussex St, or Maple Avenue.

I trust you will give my concerns serious consideration, and I thank you for your attention.

Yours sincerely,
Barbara S. Phillips

Mrs. B.M. Tinsley
47 Norfolk Street South
Hamilton, Ontario L8S 3A6

Telephone (905)527-0720 Fax (905)526-1843

2(b)

20 Mar 1995 (Mon)

Secretary, Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

**REFERENCE: PROPOSED ZONING CHANGE 1445 MAIN STREET WEST**

I have lived at 47 Norfolk Street South for over 45 years of which approx 26 years was spent looking after part of the subject property in cutting of grass, watering, fertilizing, and shovelling the snow. I have made several attempts to purchase the property to straighten out the property line to the street line.

Recently several teams of surveyors have walked all over the soft grass and torn up the back half of a forsythia bush which will be in bloom in a couple of weeks. Why several teams I don't know as the first team clearly left the stakes and none of the following made any changes except to cause damage.

Granted, it is not my land, but if looking after the property for that number of years doesn't give some credence to squatters rights I need an answer.

Objections: traffic,
students
noise
garbage
convenience store
another fast food eating place.

I really believe I deserve a few answers.

B.M. Tinsley

3 (a)

CITY COUNCIL
HAMILTON, CANADA

**Alderman Don Ross**
Chairman - Economic De
Vice-Chairman - Finance

71 MAIN STREET WEST L8N 3T4 • (905) 546-2730 • RES (905) 387-1842 - Ward 8

March 13, 1995.

RECEIVED
MAR 15 1995

TO: Don Drury,
Chairman,
Planning and Development Committee;

Stella Glover,
Secretary,
Planning and Development Committee.

FROM: Don Ross,
Alderman, Ward 8.

SUBJECT: **GREENCEDAR / FIRENZE RETAINING WALL.**

After speaking with Ted Gill, it is my understanding that a Report concerning the aforementioned issue will be going to the Planning and Development Committee Meeting scheduled for Wednesday, April 5, 1995.

I would like to request "delegation status for residents of the area".

Please advise.

Thanks.

Don Ross,
Alderman, Ward 8.

DR:dd

unfortunately I will be out of town that day

Copy For Attention: Len King - Building Commissioner (Attn. Peter Lampman); Victor Abraham - Director of Local Planning; Nina Chapple - LACAC, Planning Dept. 1995 March 17 - S.Glover, Sec. P. & D. Ctte.

3(b)


Metropolitan Hamilton Real Estate Board

FIABCI International Real Estate Federation

The National Association of Real Estate Boards

National Institute of Real Estate Brokers

International College of Real Estate Consulting Professionals

National Association of Real Estate Appraisers

JOHN W. Harvey REAL ESTATE COMPANY

Serving Hamilton since 1953

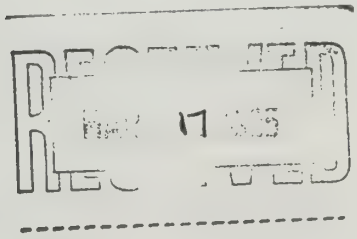
1239 MAIN STREET EAST
P.O. BOX 3040 STA. "C" •
HAMILTON, ONTARIO L8H 7J3
PHONE (416) 549-4141
FAX (416) 549-2828

Directors:
J.W. Harvey, Pres.
K.B. Harvey, Sec.-Treas.
K.K. (Harvey) Leone, Vice-Pres. & Gen. Mgr.


JOHN W. HARVEY REAL ESTATE CO. LTD. 40th 1955 ANNIVERSARY 1995

March 16, 1995

Ms. Stella Glover
Planning and Development Committee
City Clerk's Department
City of Hamilton
71 Main St. W.
Hamilton, Ont.
L8N 3T4



Dear Ms. Glover:

I would like to be placed on the agenda for the next planning and development committee meeting. I would be present with my client and principal owner of 66-68 King St. E. (The Old Foster Building).

I would appreciate you confirming with me by letter that we are on the agenda along with the time and place of the meeting. Your response would be greatly appreciated.

Yours truly,

JOHN W. HARVEY REAL ESTATE COMPANY LIMITED

John W. Harvey, D.A.R.,R.E.C.,D.A.C.
President
kl/JWH
cc: Alderman Wm. McCollough, Ward 2

4.

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 March 30

***REPORT TO:*** S. Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P.
Director of Local Planning

***SUBJECT:*** User Fees - Planning

***RECOMMENDATION:***

1. That the interim fee adjustments for Planning fees in the 1995 Current Budget effective April 3, 1995, as set out under Item No. 17) to 29) inclusive of Appendix "A" to Section 1 of the FIRST Report of the Committee of the Whole for 1995 be deferred; and,

2. That Planning staff be directed to continue discussions with the Hamilton-Halton Home Builders' Association regarding the method of collection and amounts for planning fees based on a cost recovery principle.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

Current planning fees will remain in effect until the new fee schedule has been adopted by Council (Appendix A, 1994 fee).

***BACKGROUND:***

- On March 2, 1995, a Special City Council Meeting was held to consider the FIRST Report of the Committee of the Whole respecting "Current Budget Update and User Fees".

In this regard, Council approved the following recommendation:

"1. That the interim fee adjustments as outlined in Appendix "A", as amended be approved for inclusion in the 1995 Current Budget effective April 3, 1995..."

Appendix "A" which is the proposed "Schedule of User Fees" sets the 1995 Fee for rezoning at "Full Cost". However, 1 and 2 family residential are to remain at 1994 levels (see attached APPENDIX "A"). Confusion arises as to what is meant by "Full Cost", in that under the "Cost/Revenue Summary" for planning prepared by DMG & Associates, Ltd. (see attached APPENDIX "B") it could be the "FULL COST" ($418,602 - 2nd column) or the "FULL COST PER UNIT" ($5,232.52 - 8th column).

- On March 22, 1995, the Planning and Development Committee recommended that the Committee of the Whole defer the implementation of interim fee adjustments for planning services. At this same meeting, the Hamilton-Halton Home Builders' Association requested further clarification of the fees and the opportunity to meet with staff to discuss the basis for the increases and alternate planning fee models.

- On March 23, 1995, the Committee of the Whole referred the interim fee adjustments back to the Planning and Development Committee.

- On March 27, 1995, planning staff met with representatives of the Hamilton-Halton Home Builders' Association. The Home Builders' questioned the details of the Consultants' numbers and requested discussion on alternative models for fees that will recover full costs in a fair and consistent manner. To this end, the Home Builders' have requested a further deferral of the fees subject to continued discussions and examination of the fees.

There remains some confusion regarding the planning fees, particularly for zoning. As implementation of the "FULL COST" fee is dependent on Council's understanding of whether they were applying a "Cost Allocation" methodology or a "Unit Cost Basis". Furthermore, this is compounded by the fact that the fees do not differentiate between the Routine and Complex or Phase I and II fees presently applied, which provided for greater flexibility in cost recovery. In addition, Council has directed separate fees for 1 and 2 family dwellings.

Further analysis is required prior to establishing the planning fees.

In addition, advice from the Law Department recommends that the O.M.B. fees recommended by DMG not be established as it has no legal basis.

Based on the fact that:

- other Departments are still reviewing the user fees recommended by DMG in their study;

- a policy context needs to be established for all the user fees; and,
- the Home Builders' have requested further discussions,

it would be appropriate for Council to defer the implementation of the "Interim Planning Fees" until further review is undertaken, including continued discussions with the Hamilton-Halton Home Builders' Association.

BJ:fd

*SCHEDULE OF USER FEES*

| Item No. | Department | 1994 Fee | 1995 Fee |
|---|---|---|---|
| | **Traffic** | | |
| 12) | Private Parking Lot Inspections | 48.33 | 60.00 * |
| | ** and increased by the rate of inflation annually* | | |
| 13) | On–Street Parking Permits – Reserved | 12.00 | 24.00 |
| | *( except for On–Street Disabled spaces where there will be no charge )* | | |
| | **Treasury** | | |
| 14) | N.S.F. Cheque Fee | 17.00 | 25.00 |
| 15) | Tax Registration | | |
| | – First Year | 615.00 | 615.00 |
| | – Second Year | 0.00 | 400.00 |
| | | 615.00 | 1,015.00 |
| 16) | Extension Agreement | 0.00 | 150.00 |
| | **Planning** | | |
| 17) | Rezoning – Routine | 865.00 | Full Cost |
| | – Complex – Phase 1 | 1,120.00 | Full Cost |
| | – Complex – Phase 2 | 610.00 | Full Cost |
| | *( does not include 1– and 2–family residential which remains at 1994 levels)* | | |
| 18) | Official Plan Act – Phase 1 | 1,120.00 | 1,950.00 |
| 19) | Official Plan Act – Phase 2 | 610.00 | 1,925.00 |

*SCHEDULE OF USER FEES*

| Item No. | Department | 1994 Fee | 1995 Fee |
|---|---|---|---|
| | **Planning** | | |
| 20) | Site Plan Control | 1,020.00 | 2,040.00 |
| | Site Plan Amendment | 410.00 | 810.00 |
| 21) | Subdivision – Simple | 560.00 | 1,950.00 |
| 22) | Subdivision – Complex | 1,020.00 | 2,500.00 |
| 23) | Condos | 560.00 | 1,400.00 |
| 24) | Revision to Subdivisions /Condos | 355.00 | 750.00 |
| 25) | Part Lot Control | 300.00 | 360.00 |
| 26) | Street Name Change | 3,700.00 | 4,155.00 |
| 27) | Property Report | 40.00 | 80.00 |
| 28) | Rental Housing Protection Act | | |
| | – Phase 1 | 1,000.00 | Full Cost |
| | – Phase 2 | 250.00 | Full Cost |
| 29) | OMB Hearing | Varies | Referred to P & D |
| | **Roads Department** | | |
| 30) | Simple MSA (Modified Subdivision Agreement) | 0.00 | Referred to Management Team |
| 31) | Complex MSA (Modified Subdivision Agreement) | 0.00 | 2,000.00 + 100/lot |
| 32) | Phase 2 Subdivisions | 0.00 | 3,000.00 + 100/lot |

CITY OF HAMILTON, ONTARIO
COST / REVENUE SUMMARY

| SERVICE FEES | FULL COST | CURRENT REVENUE | DIFFERENCE | PERCENT OF COST RECOVERY | CURRENT RATE | CURRENT UNITS | FULL COST PER UNIT | RECOMM. FEE | PROPOSED ADD'TL REVENUE |
|---|---|---|---|---|---|---|---|---|---|
| LANNING: | | | | | | | | | |
| EZONING | $418,602 | $70,985 | ($347,617) | 16.96% | VARIES | 80 | $5,232.52 | 50% INCREASE | $3,325 |
| .P.A.-PHASE I | $13,678 | $7,840 | ($5,838) | 57.32% | $1,120.00 | 7 | $1,954.03 | $1,950.00 | $1,910 |
| .P.A.-PHASE II | $13,459 | $4,270 | ($9,189) | 31.73% | $610.00 | 7 | $1,922.71 | $1,925.00 | $5,355 |
| TE PLAN / AMENDMENT | $214,099 | $51,870 | ($162,229) | 24.23% | VARIES | 67 | $3,195.51 | 100% INCREASE | $20,130 |
| D - SIMPLE | $5,852 | $1,680 | ($4,172) | 28.71% | $560.00 | 3 | $1,950.69 | $1,950.00 | $4,170 |
| D - COMPLEX | $2,493 | $1,020 | ($1,473) | 40.92% | $1,020.00 | 1 | $2,492.67 | $2,500.00 | $1,480 |
| ONDO | $4,199 | $1,680 | ($2,519) | 40.01% | $560.00 | 3 | $1,399.67 | $1,400.00 | $2,520 |
| EV. TO S/D / CONDOS | $749 | $355 | ($394) | 47.40% | $355.00 | 1 | $748.94 | $750.00 | $395 |
| RAFT S/D EXTENSION | $182 | $180 | ($2) | 98.11% | $180.00 | 1 | $181.81 | NO INCREASE | $0 |
| ART LOT CONTROL | $1,804 | $1,500 | ($304) | 83.15% | $300.00 | 5 | $360.80 | $360.00 | $400 |
| TREET NAME CHANGE | $4,154 | $3,700 | ($454) | 89.07% | $3,700.00 | 1 | $4,154.25 | $4,155.00 | $455 |
| ROPERTY REPORT | $908 | $480 | ($428) | 52.86% | $40.00 | 12 | $75.67 | $80.00 | $480 |
| H.P.A. | $50,386 | $7,400 | ($42,986) | 14.69% | VARIES | 8 | $6,298.25 | 100% INCREASE | $100 |
| IDO CONVERSIONS | $4,075 | $3,850 | ($225) | 94.48% | VARIES | 3 | $1,358.29 | NO INCREASE | $0 |
| 45 HEARING | $20,768 | $0 | ($20,768) | 0.00% | NO FEE | 10 | $2,076.80 | $2,100.00 | $12,600 |
| TOTALS | $758,407 | $156,810 | ($588,597) | | | | | | $53,320 |

*NOTE: THE PROJECTED ADDITIONAL REVENUE IS BASED ON 1996 PROJECTED UNIT AND NOT 1994 ACTUAL.*



APPENDIX B 10

# CONSENT AGENDA

## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1995 April 5th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

## A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee Meeting of 1995 March 22

## B. DIRECTOR OF LOCAL PLANNING

(i) Proposed Draft Plan of Condominium Homes by DeSantis Inc., Owner 819 Upper Paradise Road (25CDM-94006)

(ii) City Initiative 94-E - Lodging Houses

(iii) Removal of Part-lot Control "Allison Estates, Phase 1" Subdivision (PLC-H-94-5)

## C. BUILDING COMMISSIONER

Demolition Permit - 150 Stapleton Avenue

## D. SENIOR DIRECTOR - ROADS DEPARTMENT

Cash-in-Lieu of Parkland Dedication for "The Gardens of Rymal - Phase 4"

A.

Wednesday, 1995 March 22
9:30 o'clock a.m.
Room 233, City Hall

**The Planning and Development Committee met.**

| | |
|---|---|
| **There were present:** | Alderman Don Drury, Chairperson<br>Alderman Frank D'Amico, Vice-Chairperson<br>Alderman Marvin Caplan<br>Alderman Fred Eisenberger<br>Alderman Geraldine Copps<br>Alderman Bob Charters<br>Alderman Henry Merling<br>Alderman William McCulloch |
| **Regrets:** | Mayor R. M. Morrow |
| **Also present:** | Alderman Dave Wilson<br>Victor Abraham, Director of Local Planning<br>Paul Mallard, Planning Department<br>Bill Janssen, Planning Department<br>J. Schatz, City Clerk<br>J. Pavelka, Chief Administrative Officer<br>Allan Ross, City Treasurer<br>Len King, Building Commissioner<br>Peter Lampman, Building Department<br>Lorne Farr, Law Office<br>Eugene Chajka, Transportation/Environmental Services<br>Larry Szpirglas, Sergio Manchia - Hamilton Halton Home Builders Association<br>Gil Simmons - CAPIC<br>S. Konkle - Hamilton Region Conservational Authority<br>Five representatives of the Albion Falls Neighbourhood<br>Ten representatives (approx.) of the billiard industry<br>Adam Tosher, Citizen |
| **Regrets:** | Mayor R. M. Morrow |

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. **Zoning Application 95-03, BYM Constructions Limited (668674 Ontario Limited) and Bergamot Holdings Limited, owner, for a further modification to the established "G" District regulations, for lands located at No. 969 Upper Ottawa Street.**

   The Committee was in receipt of a report dated 1995 March 14 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter.

   The Committee were advised that of 360 notices sent out, 12 had been received in favour and 4 opposed.

   After discussion the Committee approved the following:

That approval be given to Zoning Application ZAR-95-03, B.Y.M. Construction Limited (668674 Ontario Limited) and Bergamot Holdings Limited, owner, requesting a further modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, to permit a ground (pylon) sign for business identification, for property located at No. 969 Upper Ottawa Street, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of By-law No. 6593, as amended by By-law Nos. 70-259, 73-291, 75-178, 83-169 and 84-101, applicable to the subject lands, be modified to include the following variances as special requirements:

(i) Notwithstanding Section 13, only one ground sign for shopping centre and/or business identification shall be permitted along Upper Ottawa Street only, subject to the following requirements:

(1) no sign shall be more than 7.4 m in height and every sign shall have a height of at least 1.8 m from the ground to the bottom of the sign;

(2) no sign shall be more than 15.0 $m^2$ in area;

(3) every sign shall be setback a minimum of 4.5 m from any lot line; and,

(4) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination.

(b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-413c, and that the subject lands on Zoning District Map E-59A be notated S-413c.

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A, for presentation to City Council.

(d) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Alderman Geraldine Copps was recorded as opposed to this recommedation.

2. **Official Plan Amendment No. 130 - Albion Falls Neighbourhood**

The Committee was in receipt of a report dated 1995 March 9 from the Director of Local Planning respecting the above noted matter.

The Committee was also in receipt of written submissions from the Hamilton Region Conservation Authority dated 1995 March 13 and the Niagara Escarpment Commission dated 1995 March 16 in this regard.

Scott Konkle, Director of Planning and Engineering with the Hamilton Region Conservation Authority attended and advised of a staff position that proposals that change land designated as open space to a form that would facilitate development not be supported.

Adam Tosher, a resident of the neighbourhood spoke in favour of the amendment and congratulated Council on their decision.

Victor Abraham addressed the submission and advised that when the official plan was approved the citizens would be involved through the public participation process in the neighbourhood plan.

After consideration the Committee approved the following:

(a) That approval be given to Official Plan Amendment No. 130 to redesignate lands within the Albion Falls Neighbourhood bounded by Mud Street, Hydro Electric Corridor, the Red Hill Creek Expressway, and Arbour Road, from "open space" to "residential" as shown on the attached Schedule "A".

(b) That staff be directed to provide the Conservation Authority with complete information in this regard in order that it may be dealt with by the Conservation Authority Board.

3. **City Initiative 94-G - Billiard Rooms in the "H" District.**

The Committee was in receipt of a report dated 1995 March 16 from the Commissioner of Planning and Development and the Director of Local Planning respecting the above noted matter.

The Committee was also in receipt of a written brief from Zimmerman and Associates on behalf of Celebrity Billiards Inc.. Paul Mallard made a presentation in this regard and the following members of the public addressed the Committee and spoke against the recommendation:

Carmen Schivelli - owner of Celebrity Billiards Inc.
George LeMarche (95 King Street East) - Golden Cue Billiards
Mark Holtz
A.W. Zimmerman - representing Celebrity Billiards Inc.
A representative of Q-Club Billiards Ltd., 140 Centennial Parkway North

After consideration, the Committee unanimously agreed that City Initiative 94-G respecting billiard rooms in the "H" District be denied.

**DELEGATION**

4. **Planning and Development Application User Fees - Sergio Manchia, Director, Hamilton-Halton Home Builders Association**

The Committee was in receipt of a letter dated 1995 March 8 respecting Planning and Development Application User Fees from Sergio Manchia, Development Council Chairman of the Hamilton-Halton Home Builders Association.

Mr. Sergio Manchia attended together with Mr. Larry Szpirglas, President of the Hamilton-Halton Home Builders Association. The gentlemen made a submission with regard to their letter and requested that the proposed increase be deferred in order for them to have the opportunity to meet with staff and review the consultants report. Mr. Manchia referred to the recent recession which had battered the industry and stated that in his opinion the increase was not justified in the present market. He referred to the tax revenue generated by the building industry and said that increases could deter people from making applications.

Allan Ross, Treasurer provided clarification with regard to the way in which the figures had been arrived at in the consultants report. Victor Abraham, Planning Department advised the Committee that the total costs included other departmental costs.

DIRECTOR OF LOCAL PLANNING

5. **User Fees - Planning**

The Committee was in receipt of a report dated 1995 March 16 from the Director of Local Planning respecting the above noted matter and approved the following:

That the Planning Department User Fees be referred to the Committee of the Whole for consideration together with all planning fees.

CHIEF ADMINISTRATIVE OFFICER/BUILDING COMMISSIONER

6. **Integration of Local Planning and Building Department**

The Committee was in receipt of a report dated 1995 March 15 from the Chief Administrative Officer and the Building Commissioner respecting the above noted matter.

The Committee was in receipt of a written submission from Anthony Butler Architect Inc. dated 1995 March 21 urging the Committee to table this item until a thorough study of the future of the planning process in Hamilton has been conducted.

The Committee was also in receipt of a letter dated 1995 March 22 from Gil Simmons, Member and Vice-Chairperson of the Central Area Plan Implementation Committee recommending that the Committee defer action on the proposal; that the newly re-established planning function for the City be given careful scrutiny, and that community groups and the general public be afforded the chance to comment.

The Committee was in receipt of a letter dated 1995 March 28 from the Canadian Union of Public Employees Local 167, advising of their agreement that employees affected by the Planning Department transfer from Region to City carry their seniority with them.

After discussion the Committee retired in camera to discuss a confidential matter.

Resuming in Open Session the Committee approved the following:

That staff be directed to prepare a report on all possible models for the integration of the Planning Department into the City for the next meeting of the Planning and Development Committee.

REFERRAL FROM CITY COUNCIL

7. **Zoning Application 93-37 - 986-998 Upper Wentworth Street**

The Committee was in receipt of a memorandum dated 1995 March 15 from the City Clerk advising that the above noted matter had been referred back to the Planning and Development Committee by City Council at its meeting held 1995 March 14.

The Committee approved the following:

That Zoning Application 93-37 respecting 986-998 Upper Wentworth Street be tabled.

BUILDING COMMISSIONER

8. **Barton Street Revitalization**

The Committee was in receipt of report dated 1995 March 17 from the Building Commissioner respecting the above noted matter and approved the following:

That the Building Department be directed to implement the revised Barton Street Redevelopment Program as outlined on Schedules "A", "B", and "C" attached.

9. CONSENT AGENDA

A. ADOPTION OF MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 March 8 which were adopted as circulated.

B. DIRECTOR OF LOCAL PLANNING

**Site Plan Control Application DA-95-01 for a Photography Studio and Residence at 71 Rymal Road West**

The Committee was in receipt of a report from the Director of Local Planning respecting the above noted matter and approved the following:

(a) That approval be given to Site Plan Control Application DA-95-01 by Joseph and Monica Janicas, prospective owners of lands known as 71 Rymal Road West, as shown on the attached map, for a new photography studio and residence, subject to the following:

(i) modification to plans in relation to notes, dimensions, paving, fencing and landscaping as marked in red on the plan; and,

(ii) provision of appropriate agreement and securities for site development in accordance with City Council policy adopted at its meeting of May 11, 1993; and,

(iii) submission of a revised grading plan to the satisfaction of the Roads and Traffic Departments; and,

(iv) dedication to the Region of Hamilton-Wentworth of a road widening of approximately 4.89m for road widening purposes.

and further:

(b) That in regard to Zoning Application ZAC-94-27, the following resolution be forwarded to City Council for approval;

That Item 2.A. of the Fifth Report of the Planning and Development Department to City Council on 1995 January 31, respecting Zoning Application ZAC-94-27 by Gerald Coleman and Robert Coleman, for lands at 71 Rymal Road West, be amended by renumbering (d),(e) and (f) to (h),(i) and (j) and inserting the following and :

(a)(iii) a wall sign having a maximum area of $4m^2$;

(d) That notwithstanding the provisions of Section 18A (14a) and (14g) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 15% of the gross area of the front yard shall be used for landscaped area.

(e) That notwithstanding the provisions of Section 18 (4)(iv) of Zoning By-law 6593,the accessory shed is permitted within the required side yard but shall not be closer than 1.5m to the side lot line.

(f) That notwithstanding the provisions of Section 18A (26) of Zoning By-law 6593, the access driveway must be at least 1.5m from the west property line.

(g) A landscape planting strip having a minimum width of 1.5 m shall be provided and maintained along the street line (northerly property line), except for any area used for vehicular access.

## C. CITY SOLICITOR

**Seven Towers Non-Profit Family Day Care Inc., Zoning By-law 94-134 and City of Hamilton Official Plan Amendment No. 126**

The Committee was in receipt of a report dated 1995 March 13 from the City Solicitor respecting the above noted matter and approved the following.

(a) That the City accept and execute the Minutes of Settlement attached as Appendix "E", once same has been executed by all other noted parties.

(b) That an Addendum to the Minutes of Settlement be entered into by Seven Towers Non-Profit Family Day Care Inc. (hereinafter called "Seven Towers") and the City whereby Seven Towers, at its sole expense, agrees to:

(i) close off the existing South approach with concrete curbing as shown on Appendix "F" attached, to the satisfaction of the Director of Public Works; and,

(ii) remove the asphalt/concrete hard surfacing to the East of the concrete curbing to be installed as shown on Appendix "F" attached, and landscape same to the satisfaction of the Director of Public Works.

(c) That the City revise its current Lease dated the 14th day of December 1993 with Seven Towers to reflect the Minutes of Settlement and Addendum.

(d) That upon completion of (a), (b), and (c) above, City staff report to the Ontario Municipal Board on the position the City has taken on this matter.

(e) That the works required as a result of the Minutes of Settlement and Addendum be approved without a Site Plan Control Application.

## D. DIRECTOR OF PROPERTY

(i) **Discharge of Lease Agreement - 22 Tiffany Street - P. Italiano**

The Committee was in receipt of a report dated 1995 March 9 from the Director of Property respecting the above noted matter and approved the following:

(a) That the City of Hamilton terminate the Lease Agreement at 22 Tiffany Street with P. Italiano effective 1995 April 1; and,

(b) That the City Solicitor be authorized and directed to discharge this Lease Agreement.

(ii) **Settlement of Expropriation - 217 Brant Street - Fedele Intini**

The Committee was in receipt of a report dated 1995 March 13 from the Director of Property respecting the above noted matter and approved the following:

(a) That an Agreement by Owner to Accept Compensation, executed by Fedele Intini, on 1995 March 8 and to be completed on or before 1995 March 31, for the lands and buildings expropriated on 1991 April 9, having a frontage of 7.62 metres (25 feet), along the southerly limit of Brant Street, comprising an area of 185.8 square metres (2,000 square feet), more particularly described as 217 Brant Street, Hamilton, be approved and completed. This settlement includes final compensation at $144,645.78; including payment of professional fees and disbursements at $16,589.56 ($5,078 to be paid directly to Geographic Realty Appraisal Ltd.), plus 6% interest on unpaid compensation from 1991 April 9 to the date of closing ($75,586.79 of the said final compensation has already been paid to the former owner on 1992 May 7) and costs for this settlement be charged to Account No. CF 5590 308750001 (Alpha Enclave Clearance Program); and,

(b) That it is understood and agreed that in addition the City agrees to pay Fedele Intini's reasonable additional legal fees incurred after 1994 January 26, provided the account for legal services, the hourly rates and hours incurred are satisfactory to the City Solicitor, failing agreement the City agrees to pay the amount of such fee assessed by an assessment officer of the Ontario Court of Justice; and,

(c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents for the settlement.

## E. SENIOR DIRECTOR - ROADS DEPARTMENT

**"Claudette Gardens - Phase 7" - Cash in Lieu of 5% Parkland Dedication**

The Committee was in receipt of a report dated 1995 March 13 from the Senior Director, Roads Department respecting the above noted matter and approved the following:

That the City of Hamilton accept the sum of $3,750.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 7", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

**Information Items**

The Committee was in receipt of a report dated 1995 March 15 from the Secretary of the Planning and Development Committee respecting the above noted matter and approved the following:

That the following information items which have previously been forwarded to members of the Committee under separate cover be received for information purposes.

(a) Local Architectural Conservation Advisory Committee Minutes dated 1995 February 13.

(b) Information report from the Secretary of the Local Architectural Advisory Committee re: CN Station - Splendid Cathay Development Proposal.

(c) Information report from the Director of Local Planning re: approved Site Plan Control Applications.

9. ADJOURNMENT

There being no further business the meeting then adjourned.

**Taken as read and approved**

**Alderman Don Drury, Chairperson**
**Planning and Development Committee**

**Stella Glover**
**Secretary**

/cm

1995 March 22

B (i)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 March 20
(File No. 25CDM-94006)

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** Mr. V. J. Abraham
Director of Local Planning

**SUBJECT:** Proposed Draft Plan of Condominium
Homes by DeSantis Inc., Owner
819 Upper Paradise Road

**RECOMMENDATION:**

A. That approval be given to application 25CDM-94006, Homes by DeSantis Inc., owner, to establish a draft plan of condominium located at 819 Upper Paradise Road, subject to the following conditions:

(a) That this approval apply to the plan prepared by J. D. Barnes Limited and certified by S. J. Balaban, an Ontario Land Surveyor on September 19, 1994, showing 16 residential townhouse units; and,

(b) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on October 24, 1994 and finalized on January 9, 1995 under application DA-94-23 prior to registration.

B. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

V. J. Abraham

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Proposal:

The owner is proposing to construct a 16 unit condominium townhouse project (Attachment "A").

Location:

The property is located on the east side of Upper Paradise Road, north of Stone Church Road West and is municipally known as No. 819 Upper Paradise Road, in the Gilkson Neighbourhood (Attachment "B").

**Existing Development Control:**

Hamilton-Wentworth Official Plan - the lands are identified as "Existing Development" within the "Urban Policy Areas". The proposal would comply.

Hamilton Official Plan - the lands are designated "Residential" . The proposal would comply.

Neighbourhood Plan - the lands are designated "Attached Housing" in the approved Gilkson Neighbourhood Plan. The proposal would comply.

Zoning - the lands are zoned "RT-20/S-1329" (Townhouse - Maisonette) District. The proposal would comply.

Niagara Escarpment Plan - the lands are not located within the Development Control Areas.

**Comments from Circulation:**

While there were no objections received as a result of the circulation, the Regional Roads Department provided information comments and a recommendation concerning the sewer capacity which will be dealt with by the Region at the time of draft plan approval.

**COMMENT:**

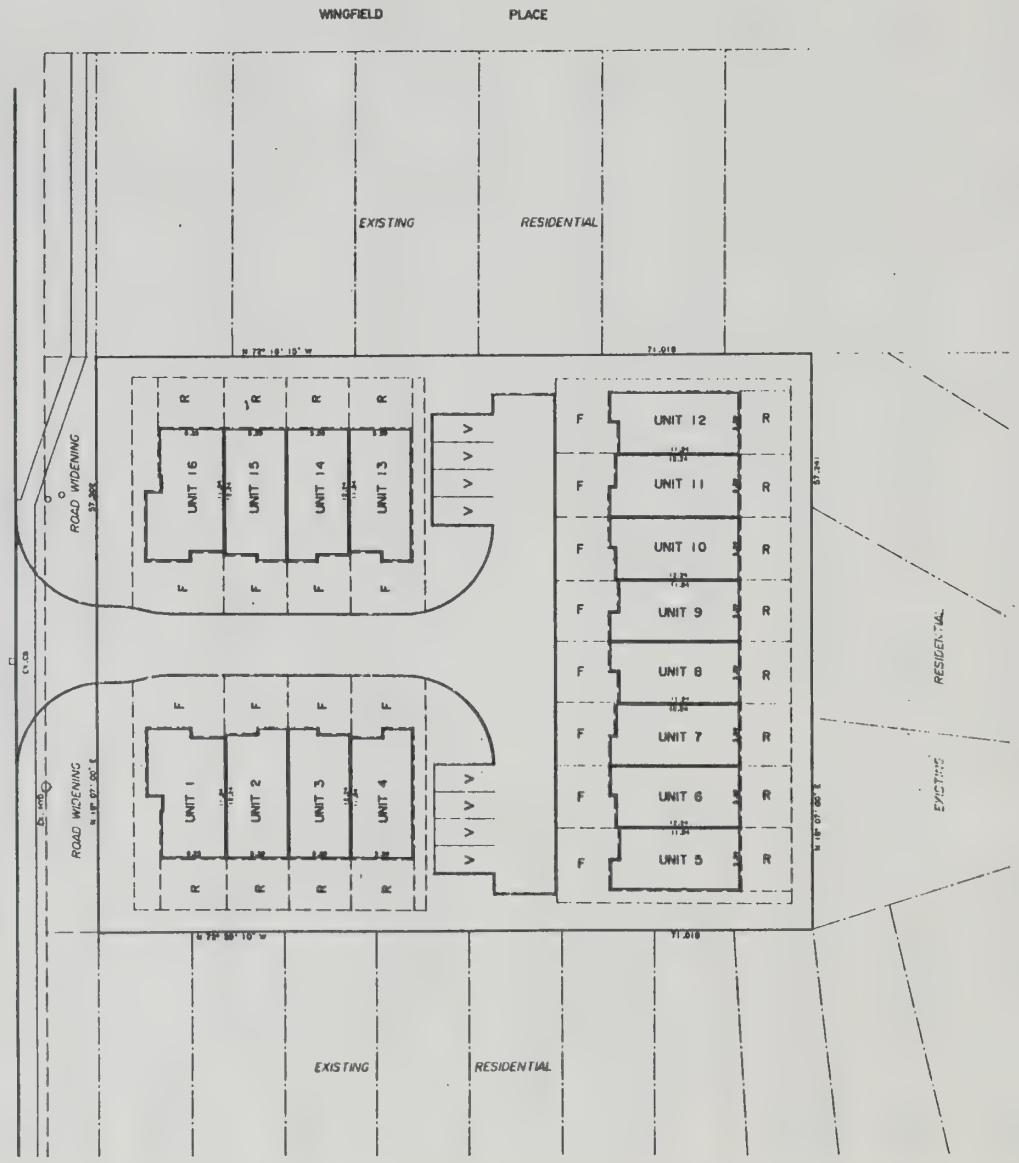
(1) The proposal complies with the Official Plan, Neighbourhood Plan, and the Zoning By-law.

(2) This application is related to Site Plan Control application DA-94-23 which was approved on October 24, 1994 and finalized on January 9, 1995.

(3) To ensure that the condominium plan is consistent with the approved site plan, a condition of draft approval requiring the Final Plan of Condominium to be in strict conformity with the approved site plan would be appropriate.

RL\Attach\25CDM-94006

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048







NOTES :
V DENOTES VISITOR PARKING
SW DENOTES CONCRETE SIDEWALK
F DENOTES FRONT YARD
R DENOTES REAR YARD

DRAFT PLAN OF CONDOMINIUM OF
**PART OF LOT 20**
**CONCESSION 7**
CITY OF HAMILTON
GEOGRAPHIC TOWNSHIP OF BARTON
THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1 : 250
J. D. BARNES LIMITED 1994

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 50 (3) OF THE PLANNING ACT.
FOR A,B,C,E,F,... AND L SEE DRAFT PLAN ARE KEY PLAN
D EACH UNIT IS SINGLE CONDOMINIUM UNIT, THE OWNER OF EACH HAS JOINT OWNERSHIP THE OWNERS OF UNITS 1 TO 16 BOTH INCLUSIVE SHALL HAVE THE EXCLUSIVE USE OF A FRONT AND REAR YARD
G MUNICIPAL WATER IS AVAILABLE ON ADJACENT STREETS
I CLAY LOAM
K MUNICIPAL STORM AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS

OWNER'S CERTIFICATE
I/WE HEREBY AUTHORIZE J. D. BARNES LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR APPROVAL
HOMES BY DESANTIS INC.
Sept 20/94
DATE
I/WE HAVE THE AUTHORITY TO BIND THE CORPORATION

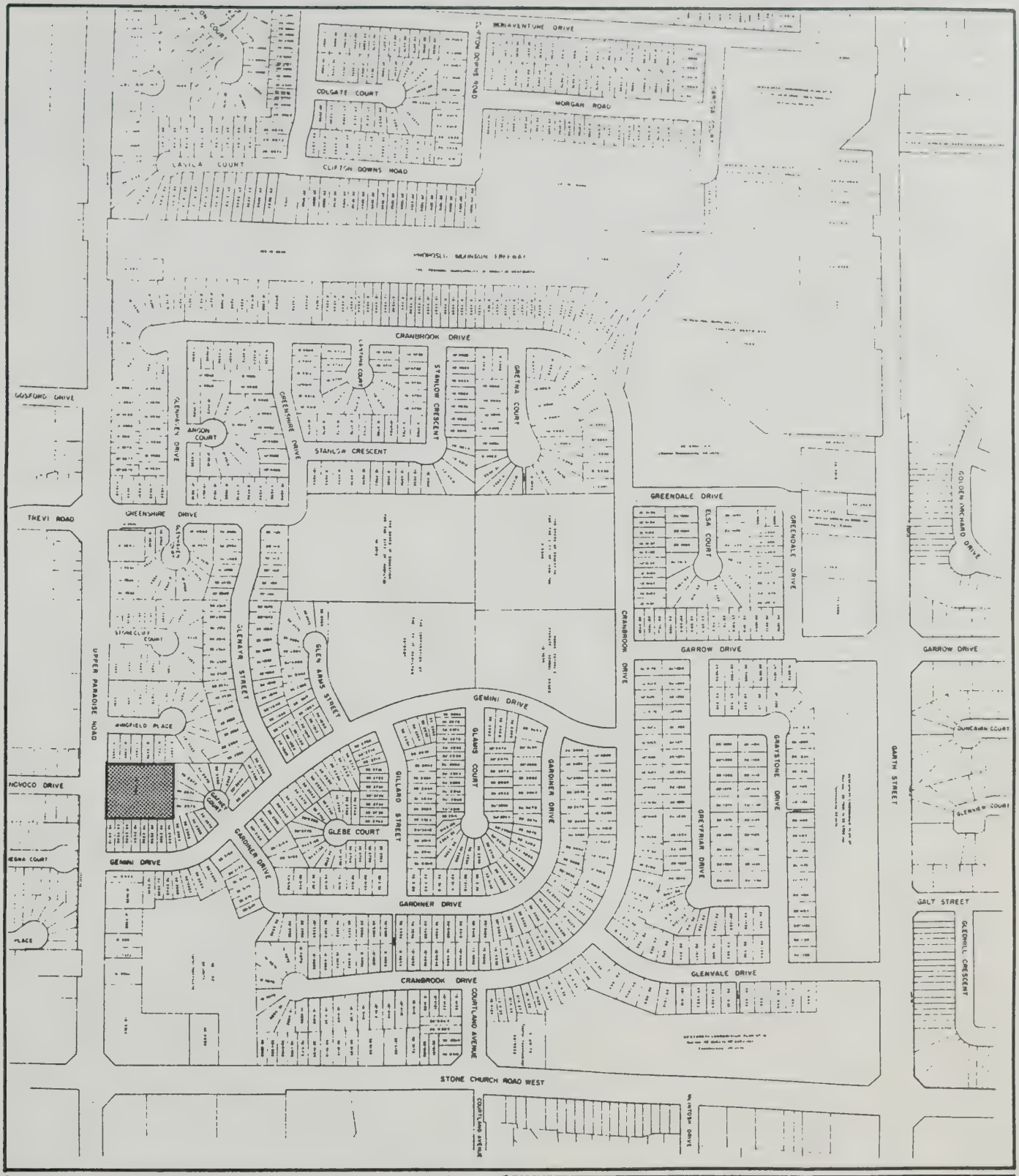
SURVEYOR'S CERTIFICATE
I/WE HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN
Sept. 19, 1994
DATE
R.J. BALDWIN
ONTARIO LAND SURVEYOR

GENERAL INFORMATION
AREA OF SITE = 6,887.10 m² ( 0.4687 ac )
BUILDING COVERAGE = 1,238.88 m² ( 18% )
DENSITY = 23.24 units/hectare
ZONING = R7 MOD-F-66
UNIT COUNT = 16 2 BEDROOM UNITS

PAVED AREA :
LANDSCAPED AREA :
PARKING REQUIRED :
PARKING PROVIDED :

J.D. BARNES
LIMITED
SURVEYING MAPPING
LAND INFORMATION SERVICES
OFFICE OF ORIGIN

Attachment "B"




DRAFT PLAN OF CONDOMINIUM OF

# PART OF LOT 20
# CONCESSION 7

## CITY OF HAMILTON
(GEOGRAPHIC TOWNSHIP OF BARTON)

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

LANDS OWNED BY APPLICANT

| North | Scale | Reference File No. |
|---|---|---|
| | N.T.S. | 25CDM-94006 |
| | Date | Drawing No. |
| | NOV. 10, 1994 | |

***NEW BUSINESS:***

***TREASURER'S REPORT:***

***SECRETARY'S REPORT:***

i) Memberships reported _____, 1994
Initiations
Affiliations
Demits
Suspensions
Restorations
Deaths
Membership as of _____
No. of unpaid dues for 1993
No. of unpaid dues for 1994
Application for initiation
Application for reinstatement

***ADJOURNMENT:***

The meeting was adjourned at _____ p.m. on a motion by R. W. Bro. _____
_____

Chairman Secretary

B(ii)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 March 29
CI-94-E

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham
Director of Local Planning

***SUBJECT:*** City Initiative 94-E, Lodging Houses

***RECOMMENDATION:***

1. That the Planning and Development Committee authorize a Public Meeting, in accordance with the requirements of the Planning Act, to consider the following changes to Zoning By-law No. 6593 respecting the definitions of "lodging house", "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home":

   (a) That Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 be amended by deleting the existing definition of "lodging house" and replacing it with the following:

   "**Lodging House**" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

   i) a hostel;
   ii) a hotel;
   iii) a public or private hospital;
   iv) a nursing home;
   v) a home for the aged or a home for elderly persons;
   vi) a tourist home;
   vii) a residential care facility; and,
   viii) a short-term care facility.

   where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

(b) That Subsection 2.(2)A.(x) of Zoning By-law No. 6593 be amended by adding the the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

**"Hostel"** shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital;

(c) That Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 be amended adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

**"Hotel"** shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel;

(d) That Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

**"Residential Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged;

(e) That Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last

line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

**"Short-Term Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

(f) That Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

**"Tourist Home"** shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less that a week at one time, except a lodging house, hotel or private hospital.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 respecting the definitions of "lodging house", "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home".

The effect of the By-law is to change the definition of "lodging house" to ensure consistency between the City of Hamilton licensing by-law and zoning by-law by excluding lodging houses from those facilities that are licensed, approved or supervised under a general or special Act other than the Municipal Act. In addition, the definition of "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home" are amended to clarify that these uses are not a "lodging house".

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Planning and Development Committee, 5 October, 1994

Planning and Development Committee at its meeting of October 5, 1994, approved the following:

> "That the Planning and Development Department be directed to review the definition of a lodging house and associated definitions in Zoning By-law No. 6593 in light of the recommendations of the Roomers and Boarders Task Force."

Roomers and Boarders Task Force

The Roomers and Boarders Task Force recommended that the definition of Lodging House in Licensing By-law No. 93-069 and Zoning By-law No. 6593 be changed to conform with the Ontario Fire Code definition of Lodging, Boarding and Rooming houses.

The Ontario Fire Code, Section 9.3.1.1.(1)(b) & (c) defines a lodging house as follows:

> "This section applies to boarding houses, lodging houses, rooming houses and private rest homes in which residents, because of age, mental or physical limitations, do not require care or treatment, where:
> b) lodging is provided for more than 3 persons in return for renumeration or the provision of services or both and;
> c) lodging houses do not have bathrooms and kitchen facilities for the exclusive use of occupants."

The Roomers and Boarders Task Force developed a revised definition of "lodging house" to ensure that unregulated facilities which operate in a manner similar to that of a lodging house, but are not presently licensed as a lodging house, would become subject to the provisions of the City's licensing by-law.

Licensing By-law

The City of Hamilton licensing by-law has been amended to incorporate the definition of lodging house developed by the Roomers and Boarders Task Force. The revised definition of lodging house was adopted by Council at its meeting of September 27, 1994. The revised definition of "lodging house" for the licensing by-law, as adopted by Council, is:

> *"lodging house" means a nursing home and any house or other building or portion thereof in which four or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under a general or special Act other than the Municipal Act.*

This definition is based on the definition of lodging house as contained in Section 207 of the Municipal Act. It would regulate lodging house operations with or without in-room cooking facilities that cater to senior citizens but are not licensed as either a nursing home or a residential care facility.

Zoning By-law No. 6593

The existing definition of lodging house in Zoning By-law No. 6593 is:

> *"a dwelling in which four or more persons are lodged for gain, with or without food and without separate cooking facilities, by the week or more than a week and which is licensed as a lodging house."*

A dwelling is defined in the zoning by-law to mean a single family dwelling, a two family dwelling or a three family dwelling.

Under the provisions of Zoning By-law No. 6593, a lodging house is a permitted use, subject to the applicable regulations, in the following Districts:

| NUMBER OF LODGERS | ZONING DISTRICT |
|---|---|
| Maximum 6 Lodgers | "D", "DE", "DE-2", DE-3 and "G" Districts |
| Maximum 20 Lodgers | "E", "E-1", "E-3" and "I" Districts |
| Maximum 50 Lodgers | "G-2", "H" and "I" Districts |
| Maximum 50 Lodgers (With Commercial) | "CR-1", "CR-2" and "CR-3" Districts |

In addition, the Zoning By-law permits a "family" to have a maximum of three lodgers as of right in the same dwelling unit as that occupied by the family.

***REVISED DEFINITION:***

The Roomers and Boarders Task Force recommended that the definition of "lodging house" in the Zoning By-law be revised to ensure consistency between the licensing by-law and the zoning by-law regarding what constitutes a lodging house. The zoning by-law establishes the following criteria to determine whether or not a building is a lodging house:

i) rooms are rented to at least four persons;
ii) the rooms are rented for gain;
iii) the rooms are rented for at least one week at a time;
iv) the dwelling is without separate cooking facilities; and,
v) dwelling is licensed as a lodging house.

The revised definition of "lodging house" in the licensing by-law as adopted by Council establishes the following criteria in determining if a use is a "lodging house":

i) the use is located in a nursing home, any house or other building or portion thereof;
ii) four or more persons are harboured, received or lodged for hire;
iii) lodging rooms are without kitchen facilities for the exclusive use of the occupants; and,
iv) if the use is licensed, approved or supervised under a general or special Act other than the Municipal Act as a hotel, hospital, nursing home, home for the young or the aged or institution, then the use is not a lodging house.

This revised definition of "lodging house" in the licensing by-law differs from the existing definition in the zoning by-law as follows:

i) permits lodging house operations in any building, nursing home or portion thereof in addition to any house or dwelling;
ii) does not distinguish between profit making and non-profit lodging house operations (i.e. not "rented for gain");
iii) does not make any distinctions based on the length of time a room is rented; and

iv) permits cooking facilities in rooms provided that the cooking facilities are not located in separate kitchen facilities.

The existing definition of "lodging house" in the zoning by-law is limited to dwellings where persons are lodged for gain and excludes those units where cooking facilities (eg microwave oven, hot plate) are provided in the room (by either the landlord or the tenant). Where cooking facilities are provided, then the unit is considered to be a "housekeeping unit".

Based on the existing definition of "lodging house", if the rooms are rented on a non-profit basis (eg Ronald McDonald House) then such a facility would not be a lodging house. In these situations, these units would not be subject to the regulations for lodging houses.

The existing definition in the zoning by-law does not include non-profit operations or lodging house facilities located in a building other than a dwelling as defined by the zoning by-law. As such, a revised definition of lodging house was developed.

On the basis of the foregoing, the following definition was developed in consultation with the Building Department:

> **"lodging house"** shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for renumeration or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:
>
> a) a hostel;
> b) a hotel;
> c) a public or private hospital;
> d) a nursing home;
> e) a home for the aged or a home for elderly persons;
> f) a tourist home;
> g) a residential care facility; and,
> h) a short-term care facility
>
> where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

In addition, it is necessary to amend the definitions of hostel, hotel, residential care facility, short-term care facility and tourist hotel to clarify that they are distinct and different uses from a lodging house.

*COMMENTS:*

1. The City Initiative would not conflict with the intent of the City of Hamilton Official Plan.

2. The City Initiative can be supported on the following basis:

   - It would not conflict with the intent of the Official Plan;
   - It implements the recommendations of the Roomers and Boarders Task Force which has been adopted by Council; and,
   - It is consistent with the definition of "lodging house" in the Licensing By-law.

3. The report has been prepared in consultation with the Building Department. In this regard, the Building Department supports the revised definition.

*CONCLUSION:*

On the basis of the foregoing, it is appropriate to schedule a public meeting of the Planning and Development Committee to consider the proposed By-law changes.

SR/sr
CI94-E2.LGR

B (iii)

# CITY OF HAMILTON

# - RECOMMENDATION -

**DATE:** 1995 March 20
(PLC-H-94-5)

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** Mr. V. J. Abraham
Director of Local Planning

**SUBJECT:** Application to remove part-lot control
"Allison Estates, Phase 1" subdivision

**RECOMMENDATION:**

a) That the request of Mr. David A. Elliot, Solicitor for 200 Rymal Road Inc. (J. Chun, President) owner, to establish maintenance easements by removing part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive, "Allison Estates, Phase 1" plan of subdivision, 62M-778, be approved;

b) That the attached by-law to remove part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive "Allison Estates, Phase 1" plan of subdivision, be enacted by Council;

c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and

d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

V. J. Abraham

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

Proposal

The applicant, Mr. David A. Elliot, Solicitor for 200 Rymal Road Inc. (J. Chun, President) owner, is proposing to establish maintenance easements for 25 small lots by temporarily removing part-lot control (Attachment "A").

Location

The lands are located on Jacqueline Boulevard within Registered Plan 62M-778 in the Allison Neighbourhood (Attachment "B").

Comments

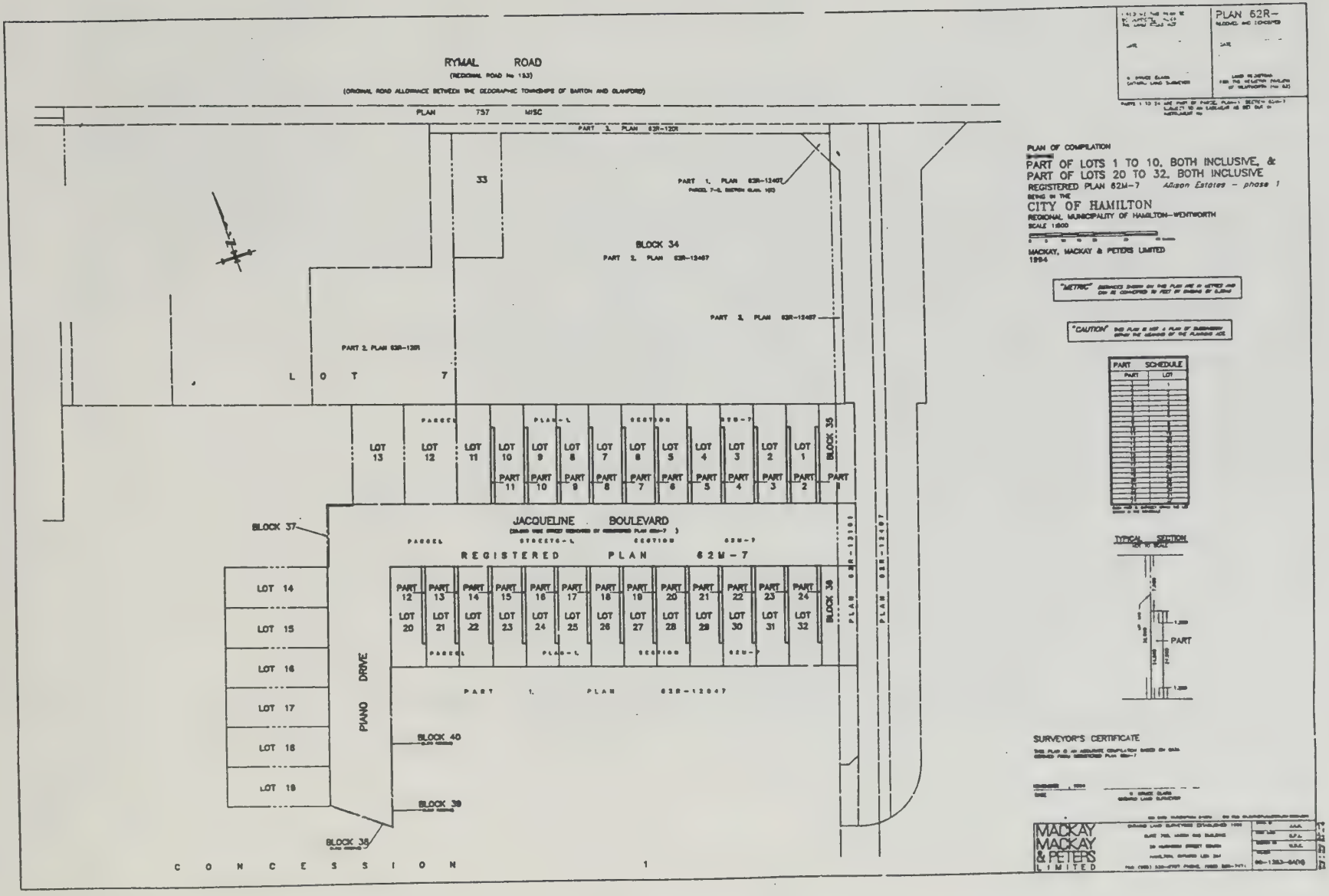
Removal of "part-lot control" is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Land Division Committee, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.

In this case, the applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance easements for the future property owners to access and maintain the side of their dwelling set on or adjacent to the lot-line.

Part-lot control will be re-established, by by-law, once the conveyances have taken place.

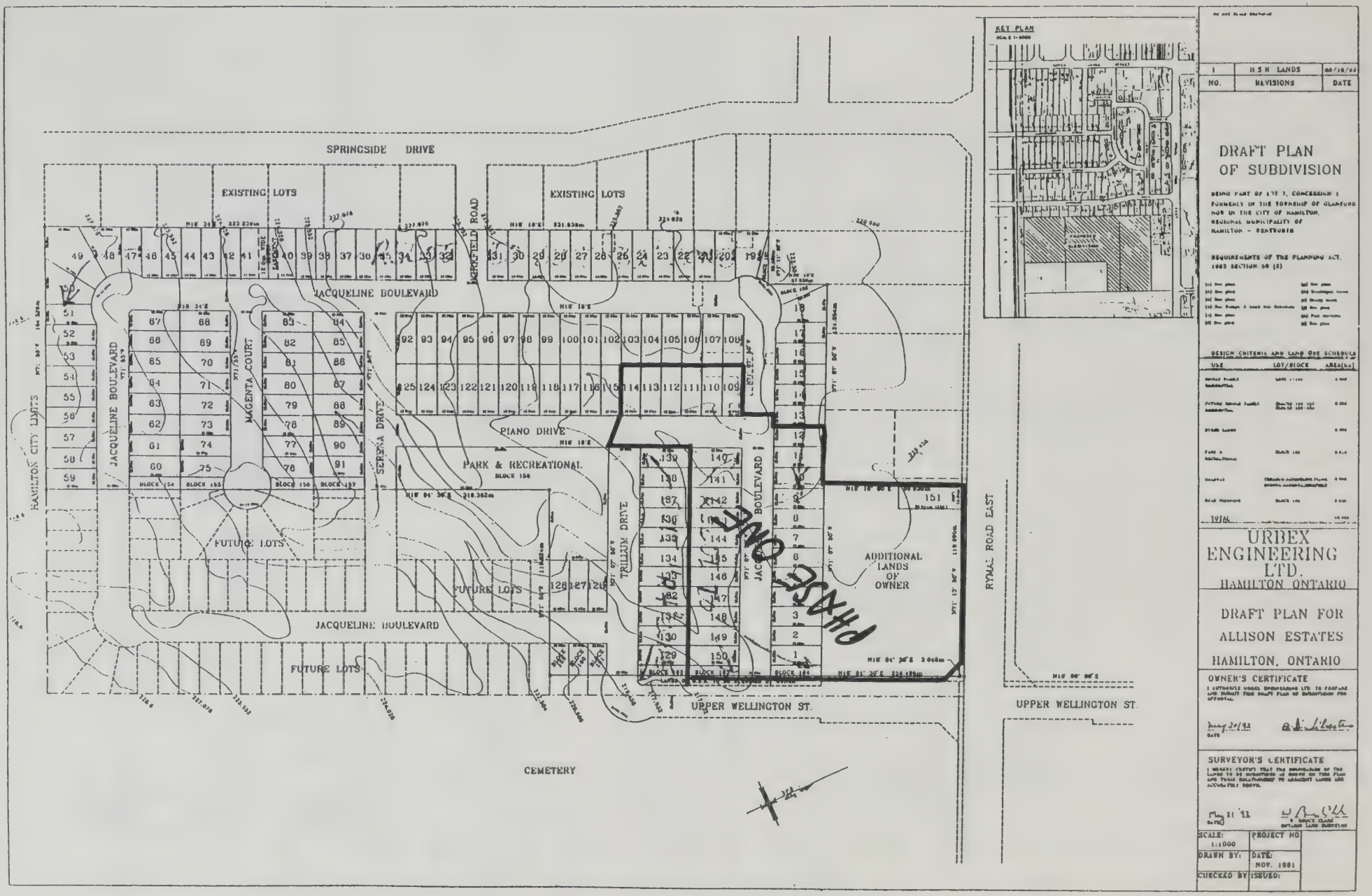
Both the by-law to remove "part-lot control" and the repealing by-law must be registered in the Land Titles office.

The attached by-law to remove "part-lot control" has been prepared in a form satisfactory to the City Solicitor.




Attachment "A"

Attachment "B"



Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 95-

**To Remove**
**Land within the Allison Estates, Phase 1 Subdivision, Plan 62M-778**
**from Part Lot Control**

**WHEREAS** subsection 5 of section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** subsection 7 of section 50 of the Planning Act, states, in part, as follows:

(7) Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or part of parts thereof as is or are designated in the by-law, and, where the by-law is approved by the Minister, subsection (5) ceases to apply to such land, . . .;

**AND WHEREAS** the Minister has delegated his authority to approve by-laws enacted under subsection 7 of section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to section 4 of the Planning Act by Ontario Regulation 476/83;

**NOW THEREFORE** the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of section 50 of the Planning Act, shall not apply to the following lands:

   Lots 1 to 10 inclusive and Lots 20 to 32 inclusive within Registered Plan Number 62M-778, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth.

2. (a) This by-law is subject to the approval of the Council of The Regional Municipality of Hamilton-Wentworth.

   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

**PASSED** this day of A.D. 1995.

**CITY CLERK** **MAYOR**

This Bylaw is approved pursuant to section 50(7),the Planning Act and section 4, Bylaw R89-171 of The Regional Municipality of Hamilton-Wentworth, this day of 1995.

_____
Commissioner of Planning and Development of
The Regional Municipality of Hamilton-Wentworth

# CITY OF HAMILTON

## - RECOMMENDATION -

C.

**DATE:** 1995 March 28

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
150 Stapleton Avenue - Tag Number 93931
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 150 Stapleton Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

PRESENT ZONING: K (Map E-52)

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Vacant Lot

BRIEF DESCRIPTION: 1½ storey frame construction single family dwelling. Owner wishes to demolish existing building and have land vacant. No LACAC interest. Lot size 25' x 200'.

The owner of the property as per the demolition permit is:

STF Construction
148 Stapleton Avenue
Hamilton, Ontario

SH/zr

D

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 March 30
S718-77, M.J. Inrig

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.
Senior Director
Roads Department

**SUBJECT:** Cash-in-Lieu of Parkland Dedication for
" The Gardens of Rymal - Phase 4 "

**RECOMMENDATION:**

a) That Item 3 of the Planning and Development Committee Report 16-92, approved by Council on 1992 September 29, regarding approval of the cash figure in lieu of 5% parkland dedication for " The Gardens of Rymal - Phase 4 " be **DELETED**.

b) That the City of Hamilton accept the sum of **$ 38,750.00** as cash payment in lieu of the 5% land dedication in connection with " The Gardens of Rymal - Phase 4 ", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

Ted Gill

E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

none

Cont'd...

5.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 April 03

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** J.G. Pavelka, P.Eng
Chief Administrative Officer

**SUBJECT:** **Local Planning Function**
**- Reporting Arrangement**

**RECOMMENDATION:**

1. That the Director of Local Planning and/or his representatives maintain its independent counsel to Committees and City Council:

   - by authorizing and signing the reports on local planning issues
   - by attending and responding directly to the Planning and Development Committee
   - by attending and responding directly to City of Hamilton Council

2. That the Director of Local Planning and the Local Planning Function report administratively through the Commissioner of Planning, Development and Building.

3. That continuous improvement initiatives for the following activities be undertaken throughout the year along with the normal work and operation:

   - site plan
   - zoning
   - Committee of Adjustment

4. That staff under the Chief Administrative Officer review the operations and the reporting of the:

   - Community Renewal Section
   - Committee of Adjustment Administration

J.G. Pavelka

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Of the $295,915 to be saved in merging the Local Planning function with the Building Department, $160,385 ($95,385 + $65,000) will be saved effective April 03, 1995 by transferring the employees to the City of Hamilton.

The remaining $135,520 ($295,915 - $160,325) to be saved will be contingent on the integration of the "like" services such as reception, typing, word processing, cartography, telephones, office supplies, office space, photocopiers, filing, storage and computers between the Building Department and the Local Planning function.

Both Directors have committed to finding their respective prorated share.

However, from a practical/operational perspective, this additional savings is more likely to materialize if there is one larger group emphasizing diminishing boundaries as opposed to vertical silos.

Discussion

A. LOCAL PLANNING FUNCTION AS A CITY OF HAMILTON DEPARTMENT

Effective Monday, April 03, 1995, the employees were transferred to the City of Hamilton and the local planning function will not be purchased from the Region of Hamilton-Wentworth.

All of my discussions with the Directors and a number of the staff involved have confirmed that it is unanimous that as City staff:

1. They can become more committed, more responsive, and more productive to local issues.

2. They no longer will feel "awkward" as Regional staff working contractually for the City of Hamilton on its local issues.

B. STAND ALONE DEPARTMENT VERSUS MERGED WITH THE BUILDING DEPARTMENT

The Director of Local Planning and a number of staff (4) have all confirmed that they will work effectively and efficiently regardless of the hierarchial structure.

To respond to how Local Planning should be integrated into the City of Hamilton's organization, I have pursued the following to rationalize the optimum reporting arrangements.

| | Stand Alone Department | Merged with Building Dept. |
|---|---|---|
| Director of Local Planning - V. Abraham | ✓ | |
| Building Commissioner - L. King | | ✓ |
| Senior Management Team | | ✓ |
| Comparison with other Municipal Reorganizations | | ✓ |
| Price Waterhouse - John Simke | | ✓ |
| Chief Administrate Officer - J. Pavelka | | ✓ |

CAPIC - passed the attached resolution

- supporting a strong, effective, independent Planning Department, and;
- encouraging coordination with the Regional Planning and Development Department

To obtain this input independently, I have asked both the Director of Local Planning and the Building Commissioner to submit their thoughts on this matter. Attached to this report are their comments.

## C. INDEPENDENT COUNSEL AND PROFESSIONAL ETHICS

The Engineer's Code of Ethics, part of the Professional Engineers Act, Section 72(2)(F) states that professional misconduct means:

"failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work. If the professional engineering judgement of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering week"

Accordingly, it would be "unethical" for a Professional Engineer to not provide his employer with the best possible professional advice. Therefore, it would be incumbent of the Professional Engineer as a supervisor to permit another professional such as a Professional Planner to deliver independent, strong, effective and well documented advice and/or recommendations.

Similarly, the Ontario Professional Planners Institute was contacted. Their Executive Director confirmed that she did not foresee a problem or concern with a Director of Local Planning reporting through a Building Commissioner. Nor is there anything in the Ontario Professional Planners Institute's Professional Code of Conduct that would prohibit this.

A prime example of where this works quite successfully is with the General Manager of Non-Profit Housing reporting through the Building Commissioner. Although reporting through the Building Commissioner administratively, the General Manager of Non-Profit Housing reports independently to the two Boards of the Non-Profit Housing Organizations.

Particularly in the City of Hamilton culture where there is a strong department head/manager voice at the Standing Committees and City Council, there is absolutely no doubt in my mind that there would be strong, effective and independent representation by the Director of Local Planning even if reporting administratively through the Building Commissioner.

D. Integration and Administration

Of concern to me, if the two functions are left independent is that there will then be no one responsible for merging the "like" functions of reception, typing, word processing, cartography, telephones, office supplies, office space, photocopies, filing, storage and computers. To date each of these roles has retained its own resources within their respective silos and unfortunately history has confirmed that there has not been a sharing of the resources. An administrative reporting relationship between the two positions would have substantially more control and result in maintaining the Corporation's costs in these areas.

Furthermore, because of the silo effect by each department, despite the City's Corporate culture embracing continuous improvement there has been none to date between the two departments. This is of particular concern because both departments have responsibility for site plans, zoning and for Committee of Adjustment. Accordingly, continuous improvement processes in these three areas are necessary to determine if there can be a reduction in administrative time and costs in dealing with these issues.

Current Management Practices for operations with similar and related activities is to merge to:

- diminish boundaries
- emphasize integration and problem solving
- encourage horizontal communication
- promote staff rotation

There is also concern about the administration of the budget. The responsibility for the preparation and monitoring has been with the Manager of Administration who has stayed with the Regional staff. Although each Manager and the Director of Local Planning should be intimately familiar with the budgets, a single administrator could prepare, manage, organize and monitor both the budgets for Local Planning and for the Building Department.

**CONCLUSION:**

After a review of this matter, considering the many different facets of this responsibility, it is my opinion that the Director of Local Planning reporting through the Commissioner of Planning, Development and Building will provide the optimum service to the City of Hamilton and still not jeopardize the Director of Local Planning's counsel to Committees and City Council.

Alternatively the Director of Local Planning and the Local Planning Function could report functionally through the Chief Administrative Officer and administratively (budget and support staff) through the Building Commissioner.

This alternative is being outlined in response to the concerns expressed by a number of elected representatives for the perception of independence by the Director of Local Planning. It is not the recommendation.

JGP:dd
Attach

c.c. V.J. Abraham, M.C.I.P., Director, Local Planning
L. King, Building Commissioner
J. Johnston, Commissioner of Human Resources

PLANNING AND DEVELOPMENT DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario L8N 3T4 (905) 546-4221 Fax (905) 546-4202 TDD-546-2448

1995 March 31

Mr. J.G. Pavelka, P.Eng.,
Chief Administrative Officer,
City of Hamilton.

Dear Mr. Pavelka:

**RE:** Transfer of Local Planning Responsibilities to the City of Hamilton

Enclosed you will find the requested information on a Stand Alone City of Hamilton Planning Department. In preparing this brief, our research has lead to the conclusion that a separate Planning Department could essentially achieve the same monetary savings to the Corporation as the previously discussed integration with the Building Department.

In the longer term, we believe there are opportunities for enhanced customer service with the integration of planning-related functions with the work of the Local Planning Branch; we look forward to working with staff of the other City Departments in implementing improved customer service. Lastly, we believe the attached report addresses the concerns regarding the nature of planning in the City, as identified by the members of Council and the public.

As there continues to be varying opinions on the organization of a City Planning function, you may wish to leave the Local Planning Branch as a stand-alone entity for an interim period (approximately six months) while the preparation of an administrative plan can be prepared addressing how this change can fit into the overall administration of the City. It should be noted that in the Burlington model each Department acted independently within the larger Division and that the groups were grouped for administrative and common interests. Without an overall strategy or plan an amalgamation with the two Departments seems premature. As immediate cost savings can occur time exists for further study to ensure any move is in the right direction.

After this interim period, you can review to determine if in fact savings are being achieved and customer improvement initiatives can be achieved cross-departmentally. Consider this period as a test case to see if we can deliver what we promise. If not, you could amalgamate us with Building. Nothing is lost with this approach and if it doesn't work, amalgamation can still occur. The politicians can be satisfied a stand-alone Department was attempted, little time is lost and

cost savings can still be initiated at that time.

If amalgamation is to occur now, it is suggested that Local Planning act as an independent group. The Planning Director should report directly to the Planning and Development Committee and City Council on planning matters. In addition, the Director should remain on Management Team. The Branch should be responsible for establishing its own work program and budget requirements independently of the larger Department, recognizing of course that coordination of the budget within the Department is necessary.

I would be pleased to discuss this report with you. I, and my staff, look forward to the opportunities ahead within the City Administration.

Yours truly,

V. J. Abraham, M.C.I.P.
Director of Local Planning

## A STAND-ALONE CITY OF HAMILTON
## PLANNING AND DEVELOPMENT DEPARTMENT

As requested by the Planning and Development Committee on March 22, 1995, one organizational option for further evaluation involves the present Local Planning Branch assuming the role as an independent City of Hamilton Planning and Development Department.

The 27 employees of the Local Planning Branch could constitute a stand-alone City Planning and Development Department in the same manner as it does now, without the need for any additional staff resources. It should be noted that compared to other municipalities of similar size in Ontario. On average, other municipalities have 1 planning staff person for every 4,440 residents. In Hamilton, there is 1 planning staff person for every 11,778 residents (see attached chart for details).

The following is a discussion of the organizational principles involved with the creation of a City of Hamilton Planning and Development Department:

- **Integrity of Planning Advice.** As a stand-alone Department, planning advice must be technically sound and not subject to influences and political pressures.

  In addition, a separate and stand-alone City of Hamilton Planning and Development Department will build upon the relationship of independent Planning advice being provided to Hamilton City Council with planners now being City staff reporting directly to Council through the Director of Local Planning. Further, the Department will be able to establish and promote a focused and identifiable City of Hamilton planning presence in Hamilton-Wentworth and through southern Ontario.

  Staff morale will remain higher as there are assurances that planning advice will remain technically sound and professional integrity not compromised.

- **Public Perception and Involvement.** The Local Planning Branch deals extensively on a daily basis with Hamilton residents and community organizations through various advisory committees, neighbourhood groups, telephone inquiries and at-the-counter meetings. The public and community organizations recognize and expect that the City maintain a strong independent planning function with a Department Head reporting directly to the Chief Administrative Officer. It is clear that only a stand-alone City of Hamilton Planning and Development Department can provide the appropriate planning advice that the residents and community organizations of Hamilton seek.

- **Training and Staff Development.** As a stand-alone Department, training and staff development programs can be geared to professional planning practice and related functions. An amalgamation with another Department will result in training programs that are more generalized. This has appeal to staff seeking broad and varied job experiences and responsibilities; however this has limitations for planners seeking advanced professional development opportunities within their field. A strong corps of professional planners will ensure the continuity of planning advice to Council as staff turnover occurs.

- **Customer Service.** Opportunities for improved customer service in a City Planning Department exist are are currently being implemented. For example, subdivision and condominium processing is being integrated with the zoning process so that the customer deals with one person for planning approvals.

  Bill 163 provides for a "front end tilt" in the planning process. Staff of the Local Planning Branch are already working to identify and implement the requirements of this new Act at the City level to provide the customer with a one window approach to development approvals at the City.

  The move of Local Planning to the City create new opportunities for continuous improvement initiatives with other Departments.

- **Other City Planning Functions.** There are a number of other "planning-related" functions occurring in other City Departments, e.g., Community Renewal, Parks, Culture & Recreation and Housing. A stand-alone City of Hamilton Planning and Development Department could strengthen and consolidate these functions and result in stronger planning advice to the City Council and a greater planning presence at a Regional and Provincial scale.

The following points discuss the budgetary and organizational aspects of a stand-alone City of Hamilton Planning and Development Department:

- **Administration.** As a City Department of 27 persons, administrative duties would have to be absorbed into the existing staff complement. Current administrative costs are $80,400 per year (see attached chart). These savings will be achieved regardless of whether the Local Planning Branch is converted to a stand-alone City Department or is incorporated with another City Department. These savings will be accrued through existing staff taking on the additional administration work or, alternatively, by the provision of administrative services from another Department with underutilized capacity to undertake the administrative work.

- **Technical and Cartographic Services.** The transfer of the Local Planning Branch to the City will result in a smaller staff complement to undertake the various work tasks. This could be resolved through taking longer to complete the required work or through hiring additional staff. An additional cost of $18,920 is required to offset the City costs of the Supervisor of this Section, who will be employed by the City. However, there is excellent potential for this Section to act as a "corporate resource" and play a lead role in implementing the Geographic Information System work of Parcil in the City and potentially provide service to other departments, thereby creating additional revenues.

- **Subdivision and Condominium Processing, Part Lot Control By-law Applications and Street Name Changes.** This activity, presently undertaken by the Regional Planning Branch, can be absorbed into the new City Department without any additional staff requirements or disruption to service. These initiatives are generally undertaken in tandem with other development controls applications i.e., Official Plan Amendments and/or Rezoning, which will result in less customer confusion and increased efficiencies.

This action would be consistent with the current practice of other Area Municipalities in Hamilton-Wentworth where applications of this type are forwarded directly to the respective municipality for review and comment.

- **Parcil Contributions.** The Local Planning Branch's share of the City's Parcil planning contributions have been absorbed by the Region for the last four years. The City will now have to fund this contribution set at $35,158 for 1995 and $28,189 for 1996, regardless of the organizational framework.

Conclusion:

As a stand-alone City Department, staff will operate essentially as the Local Planning Branch does now. There are several opportunities for the amalgamation of other planning-related functions currently undertaken by other City Departments within the new stand-alone City of Hamilton Planning and Development Department. This will strengthen the Planning advice provided to Hamilton City Council and also establish and promote a focused and identifiable City of Hamilton planning presence in Hamilton-Wentworth and through southern Ontario.

With a stand-alone Department, Hamilton residents and community organizations can clearly identify the source of local planning advice and expertise. Through cross Departmental review of the various planning and development processes customer services will be improved. Cost savings for a stand-alone Department could be the same as an amalgamated Department.

The establishment of a stand-alone Department is also consistent with current organizational structure thinking that support the establishment of smaller, responsible teams to address issues. These smaller teams can react quicker and can better address problems than larger organizations. The municipal "super-department" was a trend of the 1960s and 1970s in Canada. Current management thinking suggests that larger Departments are not any better and in fact smaller empowered groups are more effective at responding to issues and problems. A larger amalgamated Building and Planning Department would be counter to current municipal organizational thinking which supports smaller responsible units.

Bill 163 (The New Planning Act), the forthcoming new Heritage Act, and the New Official Plan, coupled with public expectations, require municipalities to assume a greater role and establish more control over local planning activities. Many Municipalities have already moved to stronger Planning Departments. These Departments have successfully assumed a diversity of roles including the establishment of corporate budgeting policy, corporate strategic planning, community development and implementation of major public projects. In municipalities where building and planning functions are contained within one Department, the building functions are clearly subjugated to planning activities and these Departments are under the leadership and direction of a professional planner. A stand-alone Department is in a superior position to respond to changing planning trends and public demands for greater planning coordination at the Local level.

Based on the above discussion, it is clear a stand-alone City of Hamilton Planning and Development Department is the prudent option. A clear and focused City of Hamilton planning presence would be established at the Regional and Provincial context and staff morale would be improved markedly. This new Department would operate under continuous improvement practices to bring about enhanced cost savings, identify efficiencies in current processes, and better serve our customers. In addition, both the Planning and Building Departments should undergo continuous improvement initiatives so that all processes in common with Building can be improved for quicker processing to serve the customer better through "one stop shopping" and potentially result in cost savings.

In terms of monetary cost savings, the new stand-alone Department could realize the same savings on both the City and Regional levels compared to an amalgamated Building/ Planning Department and at the same time maintain its impartial planning advice to City Council and the residents and businesses of Hamilton.

| City | Population | Planning Staff | Building Department Staff | Housing (Non-Profit) | Official Plan Review | Planners Per Capita |
|---|---|---|---|---|---|---|
| Burlington | 130,000 | 26 | | | | 1/5000 |
| Oakville | 125,000 | 27 | | | | 1/4630 |
| Stoney Creek | 50,000 | 14 | | | | 1/3571 |
| London*** | 336,000 | 37 | | | 7 | 1/7636 |
| Kitchener** | 174,000 | 68 | | 9 | | 1/2260 |
| Toronto | 635,395 | 190 | | | | 1/3344 |
| Scarborough* | 564,000 | 43 | 110 | | | 1/3686 |
| Ottawa | 318,000 | 59 | | | | 1/5390 |
| **Hamilton** | **318,000** | **27** | | | | **1/11778** |
| | | | | | | |
| | | | | | | |
| * Combined Building and Planning Department | | | | | | |
| ** Kitchener Housing Inc. - not budgeted | | | | | | |
| *** Vision '97 (Official Plan Review) | | | | | | |
| | | | | | | |
| **Average Number of Planners Per Capita excluding Hamilton =** | | | | | **1/4440** | |

**Estimate of "Potential Savings" from the proposed amalgamation of the Bldg. Dept and the Local Planning Branch–City of Hamilton**

A. Breakdown of '95 Budget by section:

| | 1995 Budget |
|---|---|
| (I) Administration | 167,880 |
| (II) Local Planning | 1,478,540 |
| (III) Tech and Cart. | 288,740 |
| | $1,935,160 |

B. Estimate of savings by Section:

| | | 1995 Budget | Potential Savings | Reason | Remarks |
|---|---|---|---|---|---|
| (I) Administration | *Salaries & Wages* | 59,600 | 59,600 | Represents 20% charge–back of 5 Reg. admin. staff | |
| | *Benefits* | 10,800 | 10,800 | Represents 20% charge–back of 5 Reg. admin. staff | |
| | *Office Supplies* | 14,800 | 10,000 | The $14,800 represents charge–back from the City Clerk's Service Section for printing services | Potential decrease in Clerk's revenue |
| | *Saving Subtotal:* | | $80,400 | | |
| | *% saving compared to Section Budget* | | 47.9% | | |
| (II) Local Planning | *Salaries & Wages* | 1,153,300 | 33,500 | Include charge back from the Reg. re "Subdivision Administration and 2,000 in vacation pays. | |
| | *Benefits* | 223,930 | 6,700 | Corresponding saving in benefits (20% of above) | |
| | *Saving Subtotal:* | | $40,200 | | |
| | *% saving compared to Section Budget* | | 2.7% | | |
| (III) Tech and Cart. | *Salaries & Wages* | 193,000 | 7,000 | Represents $5,000 in summer emplymnt and $2,000 in OT | |
| | *Benefits* | 39,130 | 4,800 | Corresponding saving in benefits at 19% | |
| | Less: | | | | |
| | *Salaries & Wages* | | (25,600) | Absorb the other 50% of Fab's salary ($51,200 p.a.) | |
| | *Benefits* | | (5,120) | Absorb the other 50% of Fab's benefits | |
| | *Saving Subtotal:* | | ($18,920) | | |
| | *% saving compared to Section Budget* | | –6.6% | | |
| (IV) Others | | | | | |
| Building Dept | *Salaries & Wages* | | 27,500 | Delete the Receptionist position from the CSR Division | Position vacant |
| | *Benefits* | | 6,500 | | |
| | *Saving Subtotal:* | | 34,000 | | |
| PARCIL | Parcil contributions | | (35,150) | Region contributes to PACIL on an on–going basis. It used to absorb 100% of the contribution. Intends to intends to 50/50 with the Local Branch upon amalgamation | |
| | *Saving Subtotal:* | | ($35,150) | | |

**Est. total savings (incl.PARCIL)** $100,530 (1)

Notes (1) The $100,530 is total estimated savings does not include $109,370 in internal transfers comprised of
(a) $66,370 in annual accommodation costs presently paid to the City's Property Department.
(b) $43,000 in charge back presently paid the Information Department.

# LOCAL PLANNING DIRECTOR

## Support Services

Fran Dennis / Local Planning Branch Secretary - (905) 546-4124

### Word Processing
- Correspondence
- Reports
- Notices

### Purchases and Sale
- Maps
- Books/Publications
- Stationery Supplies
- Maintain Petty Cash/Receipts

### General
- Telephone Reception
- Public Reception
- Mail
- Maintain Branch Vacation & Meeting

### Files
- Maintain and Update
- Punch, sort and file
- Remove old files

## Technical and Cartographic Services

Fab Anneliel / Supervisor - (905) 546-4224

### Administration
- Information
- Purchasing
- Performance Evaluation
- Budget

### Mapping / Drafting Services
- Maintenance/Updating
  - City & Regional Base Maps
  - Existing Land Use
    Land Division Committee
    Subdivision
    Zoning
    Committee of Adjustment
    Site Plan
  - Proposed Land Use
    Approved Plans
  - Official Plan
    Schedules
- South Mountain Development Map
  Yearly Update

### Graphics
- Desktop Publishing
- Newspaper Notices/Advertisements
- Newsletters/Brochures
- Signs/Displays

### Support Services
- PAPoll Liaison/Support
- Other Departments/Agencies
  - Graphics
  - Arial Photography
  - Archival Material

### Inquiries
- Telephone Inquiries
- Street Location
- Map Sales

## Development and Urban Design Division Functions

Paul Mallard / Division Head - (905) 546-4261

### Zoning
- Zoning Applications & O.M.B. Representation
- City Initiatives
- Research and Special Projects

### Site Plans
- Site Plan Application Processing
- Development Agreements
- Review Preliminary Plans

### Development Applications
- Committee of Adjustment
- Land Division Committee
- N.E.C. Development Permits

Vladimir Matos / Manager - (905) 546-4253

### Urban Design
- Urban Design Guidelines & Policies
- Development Application Review
- Special Projects
- Computer Modelling
- Support for Special Purpose Committees

### Heritage Planning
- Designating Buildings
- Heritage Funding Programs
- Heritage Conservation Districts
- Special Purpose Committees
- Inventories
- Historical Background Reports
- Research and Special Projects

Nina Chapple / Heritage Planner - (905) 546-3930

### Public Information Services
- Public Inquiries
- Zoning By-Law Information
- Planning Process
- Review Development Proposals
- Brochures

### Administration
- Public Notices
- Review Draft By-Laws
- Preparation of Explanatory Notes
- Municipal House Numbers
- Public Land Contribution (5%)
- Tracking Systems

## Policy and Neighbourhood Planning Division Functions

Bill Janssen / Division Head - (905) 546-4147

### Neighbourhood Planning
- Development of Neighbourhood Plans
- Review of Older Neighbourhoods for New Areas
- Review and Comment on Development Proposals
- Implementation of Neighbourhood Plans

### Community Liaison
- General Inquiries on Planning Matters
- Information Reports and Brochures
- Support for Special Purpose Committees

Joanne Hickey-Evans / Manager - (905) 546-4230

### Policy Planning
- Development of City Planning Policy
- Review and comment on Provincial Initiatives
- Strategic Planning
- Policy Advice for other Departments & Agencies
- Parks Planning

### Legislative Requirements
- Official Plan Administration e.g.
  - Amendments
  - Compliances
  - Local Improvement Certificates
- Representing City Interests on Committees & at O.M.B.
- Processing Rental Housing Protection Act Applications


Vince Abraham
Director of Local Planning - (905) 546-4280

Local Planning Branch
Planning and Development Department
71 Main Street West
Hamilton, Ontario
L8G 3T6
FAX # (905) 546-4202

**BUILDING DEPARTMENT**
71 Main Street West, Hamilton, Ontario L8N 3T4
Telephone (905) 546-2720 / Fax (905) 546-2764

City of HAMILTON

| | |
|---|---|
| **FILE:** | **95.2.17** |
| **ATTENTION OF:** | **L.C. King** |
| **TELEPHONE NO:** | **(905) 546-4655** |

30 March 1995

Mr. J. G. Pavelka, P. Eng.
Chief Administrative Officer
City Hall

RE: PROPOSED AMALGAMATION OF PLANNING AND BUILDING DEPARTMENTS

Dear Sir:

Further to the meeting of the Planning and Development Committee on March 22, 1995 I have carried out an investigation on the concerns raised at the Committee as well as other alternatives and would provide the following comments:

The two alternatives under consideration are the integration of Planning and Building as originally proposed and Planning as a separate stand alone Department.

On March 27, 1995 I spoke with Mr. C. Hart, Manager, Professional Practice of Professional Engineers Ontario and described our combined Department proposal. I asked Mr. Hart whether there was any conflict or difficulty with a professional engineer reporting to a planner and he indicated that there was none. He indicated that he could see no reason why a professional planner could not report to a professional engineer or any other manager. Mr. Hart indicated that he had no concerns with either professional being head of the Department provided that they exhibited good management skills. Mr. Hart also indicated that the Professional Engineers Act includes a section (72(2)(F) which states that professional misconduct means:

> "failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work;"

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This section lays out the concerns where a professional engineer is supervised by a non professional engineer as well as the remedy. A professional engineer having to abide by the Engineers Code of Ethics would certainly be in a position to appreciate the professional integrity and ethics of another professional such as a professional planner and hence would be able to govern himself in such a way as to not put the professional planner in a position of conflict. (Attached please find a copy of the Professional Engineers Act.)

On March 27, 1995 I spoke with Ms. S. Smith, Executive Director of the Ontario Professional Planners Institute and described the combined department proposal to her and asked whether there was any problem, conflict or difficulty with a professional planner reporting to a non planner. She indicated that there was not and there was nothing in the Ontario Professional Planners Institutes' Professional Code of Conduct that would prohibit this. For your information please find a copy of the Professional Code of Conduct of the Ontario Professional Planners Institute.

On March 29, 1995 I met with Mr. M. Fenn, City of Burlington, Mr. T. Dobbie, General Manager, Development and Infrastructure Division, Mr. G. Goodman, General Manager, Community Services Division, Mr. L. DeLoyde, Acting Director of the Planning Department as well as Mr. W. Janssen, P. Mallard of the Local Planning Department and yourself. A copy of their Organization Chart is attached herewith.

We met for approximately one hour and outlined the two alternatives being suggested, the first being the Building Department and Planning integrated and the second being a stand alone Planning Department and would highlight the comments heard as follows.

The General Manager of Development and Infrastructure, Mr. T. Dobbie, who happens to be a Professional Engineer, is responsible for the budget and performance of the Development and Infrastructure Division. He does not involve himself in the professional recommendations from Planning, Engineering or Building but acts as a General Manager. The Business Affairs Division which is led by General Manager D. Brown who also acts as the City Solicitor and regulates budget and performance for the Management Information Systems, Human Resources and Economic Development divisions. Both systems seem to work whether one of the General Managers is head of an individual Department or whether the General Manager is not the head of one of the individual Departments. There also did not appear to be any concern that the General Manager of Development and Infrastructure would exert any undue influence on planning, in fact, they have a Development Committee which includes most of the Department heads who help draft policies for the city on planning issues. This ensures that the report clearly reflects all departmental concerns.

We also met with the City's Management Team on the afternoon of March 29, 1995. There was considerable discussion on the proposed amalgamation of Planning and Building Departments. There appeared to be overwhelming support of the concept of an integrated Planning and Building Department, however those opposed expressed concerns with respect to the status, the stature, the image, the professionalism and the training of the Planning division and these were their reasons for supporting the separate Planning Department. As I have already

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indicated in discussions with the Professional Engineers Ontario and the Ontario Professional Planners Institute it seems to be quite common for professionals to work for non professionals and there are provisions within their Code of Ethics for this reporting mechanism. With respect to training, the Building Department is already faced with the challenge of providing numerous types of training for their building inspectors, customer service representatives, Building engineers, support staff and Managers with respect to specific technical skills, H.V.A.C, sprinklers, fire protection, structure, etc. as well as management courses. It would not seem unreasonable that a combined Department would provide similar specific training opportunities for planners.

I also heard concerns expressed at the management team about whether the savings which attribute to the amalgamation of the Planning and Building could be achieved without amalgamation of the two Departments. The Management Team has, on numerous occasions, tried to cross Departmental silos through the budget process to achieve savings but with limited success to this point. After much discussion the management team is usually forced to resort to budget cuts on a pro rata basis. Concerns were also expressed that the customer service programs and the opportunity of providing one stop shopping would not be addressed without amalgamation.

One individual in the Management Team indicated that he had reported to a number of managers with a number of different backgrounds and up to this point his professional reports have never been compromised. I think this is probably a common experience with the Management Team as I too have never had a report coming from the Building Department compromised by the two Chief Administrative Officers I have worked with.

There was also suggestions that the combined Planning and Building Department, which would envelope professional planning skills as well as engineering skills, would be able to investigate the opportunities of taking over subdivision administration with a potential of increasing the City's revenue by approximately $ 250,000. It should also be noted that the proposed amalgamation of Planning and Building Departments will not increase the existing number of layers within the structure but would flatten the organizational structure. The Director of Local Planning presently reports to the Regional Commissioner of Planning and the Building Commissioner presently has a wide range of responsibilities from building code enforcement, zoning administration, site plan control, enforcement of Property Standards By-law, Committee of Adjustment administration, Non Profit Housing and what is being suggested is adding the responsibilities of Planning.

Another excellent suggestion coming from the management team was that all departments be based on a functional approach which would certainly be the case with the proposed Planning, Development and Building Department wherein the entire development process from an Official Plan Amendment, to a Zoning By-law change, to a Site Plan approval or subdivision approval to building permit and occupancy and finally maintenance of the building would all remain in the realm of one Department.

The Management Team questioned how the savings could be achieved without the amalgamation of the two Departments. Planning has suggested that they can save

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$ 66,000 a year with the existing staff carrying out all administration work. The people who are responsible for the budget and administration have remained with the Region, therefore skills might be lacking among those individuals transfered to the City.

Also no suggestion was given as to how the additional $ 135,000 annualized savings could be achieved without the amalgamation of the two Departments.

In conclusion, after having carried out this investigation along with yourself and representatives of the Planning Department, I am of the opinion that the initial proposal of integrating Planning and Building Departments is the correct approach. This approach provides the City of Hamilton with improved customer service while at the same time saving more than $ 200,000 on an annualized basis.

Yours truly,

L.C. KING, P.Eng.
Building Commissioner

LCK\hmp

Enclosures

Reg./Règl. 941

# Professional Engineers Act
## *Loi sur les ingénieurs*

## REGULATION 941

## GENERAL

1. In this Regulation,

"Chapter" means a chapter established pursuant to the by-laws;

"executive director" means the executive director appointed by the Council;

"general secretary" means the general secretary appointed by the Council;

"Junior Regional Councillor" means that one of the two regional councillors from a region who is serving his or her first year of a two-year term of office;

"Member" means a member of the Association;

"practitioner" means holder of a licence, a temporary licence, a limited licence or a certificate of authorization, as the case requires;

"Professional Practice Examination" means the examination in respect of professional ethics, engineering law and such other general matters as are approved by the Council from time to time;

"Region" means a region established by this Regulation. O. Reg. 538/84, s. 1.

2. Fifteen members shall be elected to the Council as follows:

1. Thirteen members shall be elected to the Council for a two-year term of whom,

i. three members shall be elected as councillors-at-large by and from among the Members,

ii. two members shall be elected by and from among the Members in each of the five regions.

2. Two members shall be elected annually by and from among the Members as a president-elect and a vice-president. O. Reg. 538/84, s. 2.

3.—(1) There shall be the following additional officers of the Association:

1. The president, who is a Member and who was president-elect in the immediately preceding year.

2. A vice-president, who shall be appointed annually by Council from among its members elected or appointed under clause 3 (2) (a) or 3 (2) (b) of the Act at a meeting of Council to be held after the close of business and on the day of the annual meeting of Members or within thirty days thereafter.

3. The past president, who is a Member and who was the president in the immediately preceding year. O. Reg. 538/84, s. 3 (1).

(2) If the president is incapacitated or resigns, the office of president shall be filled by the president elect, failing that by the vice-president elected by the members, failing that by the vice-president appointed by the Council, or failing that by a member of the Council who the Council shall appoint. O. Reg. 73/90, s. 1.

4. The following Regions are established:

1. Western Region.

2. West Central Region.

3. East Central Region.

4. Eastern Region.

5. Northern Region. O. Reg. 538/84, s. 5.

5. The area of each Region is the area described in the Schedule. O. Reg. 538/84, s. 6.

6. No person shall be elected as a member of the Council unless the person has been nominated for election in the manner prescribed in this Regulation. O. Reg. 538/84, s. 7.

7.—(1) No Member is eligible to be nominated for election as president-elect unless the Member has served for at least two full years as a member of the Council prior to the date on which the Member would take office as president-elect.

(2) No person is eligible to be nominated for election or appointment as a vice-president unless the person has served for at least one full year as a member of the Council prior to the date on which the person would take office.

(3) For the purposes of subsections (1) and (2), "full year" means a period commencing at the close of business of an annual meeting of Members and terminating at the close of business of the next following annual meeting. O. Reg. 538/84, s. 8.

8. A person elected or nominated for election as a regional councillor must, at the time of the election or nomination, reside within the Region in which the person is elected or nominated for election. O. Reg. 538/84, s. 9.

9.—(1) A regional councillor ceases to be qualified for his or her office when the regional councillor ceases to reside within the Region in which he or she was elected, in which event Council may appoint a Member who resides in the Region to serve the balance of the term of the regional councillor.

(2) A member of Council ceases to be qualified to hold his or her office when the member ceases to reside within Ontario. O. Reg. 538/84, s. 10.

10.—(1) A member of Council is not eligible for election or re-election unless the member's full term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, effective at the time the member would take office for the new term, to the Association prior to nomination for election or re-election.

(2) A member of Council who has been appointed by the Lieutenant Governor in Council and who is also a Member is not eligible for election unless the member's term of office will have expired by the time the member would take office for a new term, or unless the member submits his or her resignation in writing, to take effect at the time the member would take office for the new term, to the Lieuten-

ent Governor in Council prior to his nomination for election. O. Reg. 538/84, s. 11.

11. No person is eligible to be elected or appointed as an officer of the Association if the person has held the office of president within the five years immediately preceding the year in which the person would hold office as a result of the election or appointment. O. Reg. 538/84, s. 12.

12.—(1) The Council shall appoint a Nominating Committee each year composed of,

(a) the penultimate past-president;

(b) the immediate past-president;

(c) the president; and

(d) two other Members.

(2) The penultimate past-president shall act as chair, unless he or she is unable or unwilling to act, in which event another member of the Nominating Committee designated by the Council shall act as chair.

(3) Meetings of the Nominating Committee shall be convened by the chair from time to time or as directed by Council and shall nominate persons for election by the Members as president-elect, vice-president and councillors-at-large.

(4) All nominations made by the Nominating Committee shall be,

(a) forwarded by the chair to the executive director with the nominated candidates' written consent; and

(b) forwarded by the executive director to all Members not less than one month prior to the date determined by the Council for the closing of nominations. O. Reg. 538/84, s. 13.

13.—(1) The Council shall in each year appoint a Regional Nominating Committee for each Region composed of the chair of each Chapter in the region.

(2) The Junior Regional Councillor in each Region shall act as chair of the Regional Nominating Committee for that Region and shall not be entitled to vote.

(3) If the Junior Regional Councillor is unable to act, the Regional Nominating Committee shall select a chair from among its members and the chair shall only be entitled to vote to break a tie.

(4) Meetings of a Regional Nominating Committee shall be convened as directed by the Council.

(5) A Chapter chair who is unable to attend a meeting of the Regional Nominating Committee may appoint a delegate, who must be a member of the Chapter executive, to attend the meeting and act in his or her place, and the delegate must deliver the written authorization of the Chapter chair to the chair of the meeting.

(6) A majority of Regional Nominating Committee members constitutes a quorum at any meeting of the committee.

(7) A Regional Nominating Committee shall nominate or shall otherwise ensure that at least one Member residing in the Region is nominated for election as regional councillor at each annual election of the Association.

(8) All nominations for regional councillor made by a Regional Nominating Committee shall be,

(a) forwarded by the chair to the executive director with the nominated candidates' written consent; and

(b) forwarded by the executive director to all Members not less than one month prior to the date determined by the Council for the closing of nominations. O. Reg. 538/84, s. 14.

14.—(1) A candidate for election to the office of president-elect, vice-president or councillor-at-large may be nominated by fifty Members of whom, in the case of a nomination for president-elect or vice-president, there must be a minimum of five nominators who are residents of each Region and, in the case of a nomination for councillor-at-large, there must be a minimum of one nominator who is a resident of each Region.

(2) A candidate for election as a regional councillor for a Region may be nominated by fifteen Members who are resident in the Region.

(3) A nomination pursuant to subsection (1) or (2) must be,

(a) forwarded to, and received by, the executive director, with the written consent of the Member nominated, not later than the date and time set by Council for the receipt of nominations in respect of the election; and

(b) signed by all the nominators. O. Reg. 538/84, s. 15.

15. A Member nominated for election to Council must state in his or her consent to the nomination that he or she is a Canadian citizen resident in Ontario. O. Reg. 538/84, s. 16.

16. Where no more than one Member is nominated for election as president-elect, vice-president or councillor-at-large or for election as a regional councillor in any Region, the Member is elected by acclamation. O. Reg. 538/84, s. 17.

17. Except where a Member is elected by acclamation, the executive director shall prepare ballots for an election setting forth the names of the candidates for each office. O. Reg. 538/84, s. 18.

18. The executive director, or in his or her absence, the general secretary shall forward the ballots to each Member entitled to vote in respect of an election and shall forward a list of Members elected by acclamation, if any. O. Reg. 538/84, s. 19.

19.—(1) Each ballot must be returned to the executive director, the general secretary or the agent designated by the Council for the purpose on or before the date and time designated by the Council.

(2) The date mentioned in subsection (1) must be not less than twenty-eight days following the date of mailing of the ballots. O. Reg. 538/84, s. 20.

20. On or before the date designated by the Council as the last date for the receipt of ballots, the president shall appoint three returning officers who may, but need not be, Members. O. Reg. 538/84, s. 21.

21. The returning officers shall,

(a) observe the processing of ballots to ensure that only duly marked ballots are counted;

(b) review rejected ballots;

(c) re-process rejected ballots found to be valid;

(d) approve the final count of ballots;

(e) make such other investigation and inquiry as they consider necessary or desirable for the purpose of supervising the counting of the vote; and

(f) report the results of the vote to the executive director not later than three weeks following the date designated by the Council for the receipt of ballots. O. Reg. 538/84, s. 22.

22.—(1) The candidate receiving the greatest number of votes for an office is elected to the office.

(2) In the event of a tie, an election shall be decided by coin toss conducted by the retiring president. O. Reg. 538/84, s. 23.

23.—(1) The executive director shall give written notice of the election results, including election by acclamation,

(a) to all members of the Council; and

(b) to all persons nominated for the election,

and shall forward the results, including the number of votes cast for each candidate, to all Members prior to the date of the annual meeting of the Members next following the date of the election or the results shall be announced at the annual meeting and forwarded to all Members as soon as practicable thereafter.

(2) The Council may direct the destruction of ballots at any time after receipt by the Council of the notice mentioned in clause (1) (a). O. Reg. 538/84, s. 24.

24.—(1) The Council may close the register of Members for a period of time not exceeding twenty-one days, exclusive of Sundays and holidays, immediately preceding,

(a) a meeting of Members; and

(b) the date upon which ballots for an election are mailed to Members.

(2) Prior notice of each closing of the register of Members shall be given to all Members.

(3) During the period of time in which the register is closed, no changes of address of Members shall be recorded and no new Members shall be recorded. O. Reg. 538/84, s. 25.

25. For the purposes of eligibility for nomination, election and voting, a Member shall be deemed to reside at the address of the Member recorded in the register of Members on the day immediately preceding the date of mailing of ballots to Members in respect of the election. O. Reg. 538/84, s. 26.

26.—(1) The elected members of the Council shall take office at the close of business at the annual meeting of the Association next following their election.

(2) Members of the Council elected for a one-year term shall hold office until the close of business at the next annual meeting of the Members.

(3) Members of the Council elected for a two-year term shall hold office until the close of business at the second annual meeting of the Members following the commencement of their term of office. O. Reg. 538/84, s. 27.

27. Where there are vacancies in elected offices on the Council and no quorum remains in office, an election shall be held as soon as practicable in substantially the manner described in this Regulation for a general election. O. Reg. 538/84, s. 28.

28.—(1) The Executive Committee shall consist of,

(a) the president;

(b) the president-elect;

(c) the immediate past-president;

(d) the two vice-presidents; and

(e) one or more other members of the Council from time to time appointed by the Council.

(2) Three members of the Executive Committee, at least one of whom shall be a person named in clause (1) (a), (b) or (c), constitute a quorum. O. Reg. 538/84, s. 29.

29. The Executive Committee,

(a) may act on behalf of the Council with respect to urgent matters arising between regular meetings of the Council but shall report to the Council with respect to such actions;

(b) may consult with other committees of the Council;

(c) shall act upon or report upon matters that are referred to it by the Council;

(d) may advise the executive director or any other officer or official of the Association on matters of policy;

(e) may make periodic reviews, forecasts, plans and recommendations to the Council concerning the future organization and operation of the Association;

(f) may advise the Council on matters pertaining to the Canadian Council of Professional Engineers; and

(g) may advise the Council on all financial matters, including, without limitation, investments, budgets, capital requirements, income, expenditures, salaries, reserves and contingencies or extraordinary expenses, both for current and future operations. O. Reg. 538/84, s. 30.

30.—(1) The Fees Mediation Committee is continued. O. Reg. 538/84, s. 31 (1), *revised*.

(2) The Council shall, from time to time, designate Members as eligible to act as members of the Fees Mediation Committee.

(3) Where a written complaint is received under section 32 of the Act, the Registrar shall select not less than three and not more than four eligible Members to serve on the Fees Mediation Committee with respect to such complaint.

(4) The Committee shall review the complaint and determine whether it is appropriate to mediate the complaint, and if so, whether the mediation should be conducted by one, two, three or four members of the Committee so selected and which of the members should conduct the mediation, which number and members shall then constitute the Committee. O. Reg. 538/84, s. 31 (2-4).

31.—(1) Where, pursuant to subsection 32 (3) of the Act, all parties to a dispute consent to arbitration by the Fees Mediation Committee by filing with the Registrar a consent in writing signed by all of the parties to the dispute, this section shall apply.

(2) Each of the parties to the dispute shall prepare and submit to the Registrar a brief written outline of the dispute within ten days following the date of the filing of the consent referred to in subsection (1) or such longer period as may be determined by the Registrar.

(3) The Registrar shall then select three Members to serve as the Fees Mediation Committee with respect to the dispute and the Committee may arbitrate the dispute on terms and conditions acceptable to it. O. Reg. 538/84, s. 32.

32.—(1) The Registration Committee is continued and shall be composed of,

(a) not less than two members of the Council appointed by the Lieutenant Governor in Council; and

(b) not less than three additional Members appointed by the Council. O. Reg. 538/84, s. 33 (1), *revised*.

(2) Three members of the Registration Committee, of whom at

least one is a member of Council appointed by the Lieutenant Governor in Council, constitute a quorum. O. Reg. 538/84, s. 33 (2).

33.—(1) Each applicant for a licence shall,

(a) demonstrate,

(i) that he or she has earned a bachelor's degree in an engineering program from a Canadian university that is accredited to the satisfaction of the Council, or

(ii) that he or she has equivalent engineering educational qualifications recognized by the Council;

(b) demonstrate twenty-four months of experience following the conferring of a degree or the completion of equivalent engineering education, as the case may be, in the practice of professional engineering that will provide sufficient experience to enable the applicant to meet the generally accepted standards of practical skill required to engage in the practice of professional engineering; and

(c) successfully complete the Professional Practice Examination.

(2) Twelve months of the experience mentioned in clause (1) (b) must be experience in Canada under the supervision of one or more persons legally authorized to engage in the practice of professional engineering in the jurisdiction in which the experience was acquired. O. Reg. 538/84, s. 34 (1, 2).

(3) The Council, in circumstances where it considers it in the public interest to do so, may vary or waive the requirement in subsection (2) as to twelve months of experience in Canada. O. Reg. 538/84, s. 34 (4).

34. Examinations required by the Academic Requirements Committee shall be held prior to the 1st day of June in each year and at such other times, if any, and at such place or places, as the Council may from time to time determine. O. Reg. 538/84, s. 35.

35. The Registrar is responsible for arranging for the holding of examinations, including the selection of time and examination centres. O. Reg. 538/84, s. 36.

36.—(1) In this section, "academic year" means the period commencing the 1st day of September in a year and ending the 31st day of August in the next following year.

(2) An applicant for a licence shall write the examination, if only one, or the first examination, if more than one, within the two academic years immediately following the date of issue of the notice to the applicant by the Registrar setting forth the examination requirements that the applicant is required to satisfy.

(3) All examinations must be successfully completed within eight academic years after the date of notification referred to in subsection (2).

(4) If an applicant for a licence,

(a) fails to appear at the time and place set for an examination without reasonable justification submitted in writing; or

(b) fails to satisfy all examination requirements within the times referred to in subsections (2) and (3),

the applicant's application for a licence shall be withdrawn by the Registrar.

(5) An applicant who has failed to successfully complete an examination set or approved by the Council is not entitled, except with the permission of the Academic Requirements Committee, to take the examination again and the applicant's application for a licence shall be withdrawn by the Registrar.

(6) A thesis, if required to be submitted by an applicant for a licence, shall be written and submitted not later than two years following the date of completion of all examinations other than the Professional Practice Examination required to be fulfilled by the applicant.

(7) Where an applicant who is required by the Academic Requirements Committee to take and pass more than one examination fails to take at least one examination in each academic year after taking the first of such examinations, the Registrar shall withdraw the applicant's application for a licence unless the applicant submits to the Registrar reasonable justification in writing for the failure to take the examination. O. Reg. 538/84, s. 37.

37. An applicant for a licence must pass the Professional Practice Examination not later than two years following the later of,

(a) the date of submission of the application for membership by the applicant to the Registrar; and

(b) the date of successful completion of all other examination requirements (other than the writing of a thesis, if required) or the final determination that no examination or thesis is required. O. Reg. 538/84, s. 38.

38.—(1) All examinations, other than the Professional Practice Examination, shall be marked on a percentage basis by examiners appointed by the Registrar in accordance with policies established from time to time by the Council.

(2) In no event shall a passing mark be determined to be less than 50 per cent.

(3) The Professional Practice Examination may be marked on a pass or fail basis and shall be marked by examiners appointed by the Registrar in accordance with policies established from time to time by the Council. O. Reg. 538/84, s. 39.

39. The results of each examination shall be mailed not later than forty-five working days following the writing of the examination to each candidate who wrote the examination. O. Reg. 538/84, s. 40.

40.—(1) The Academic Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council and three members of the Committee constitute a quorum. O. Reg. 538/84, s. 41 (1), *revised*.

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Academic Requirements Committee pursuant to the Act, the Committee shall,

(a) assess the academic qualifications of the applicant;

(b) determine whether the applicant meets the academic qualifications prescribed by this Regulation and so advise the Registrar; and

(c) make such recommendations to the Registrar as it considers necessary in respect of examinations and any other academic requirements which must be completed by the applicant in the event that the Committee determines that the applicant does not meet the prescribed academic qualifications.

(3) For the purpose of carrying out its duties in subsection (2), the Academic Requirements Committee,

(a) shall review the education, experience and other qualifications of the applicant in the light of the academic standards established for the issuance of licences, temporary licences

or limited licences, as the case requires, at the time of such review;

(b) may, in the discretion of the Committee and on its own initiative, interview the applicant;

(c) may refer the experience of an applicant to the Experience Requirements Committee for an assessment and recommendation as to how such experience should be taken into account in assigning examinations to the applicant; and

(d) shall consider and decide upon the form and content of examinations recommended and the results of such examinations. O. Reg. 538/84, s. 41 (2, 3).

41.—(1) The Experience Requirements Committee is continued and shall be composed of a chair appointed by Council, the immediate past chair, if any, and such other Members as are appointed by the Council, and three members of the Committee constitute a quorum. O. Reg. 538/84, s. 42 (1), *revised*.

(2) Where an application for the issuance of a licence, temporary licence or limited licence is referred to the Experience Requirements Committee pursuant to the Act, the Committee shall,

(a) assess the experience qualifications of the applicant; and

(b) determine whether the applicant meets the experience requirements prescribed by this Regulation and so advise the Registrar.

(3) For the purpose of carrying out its duties, the Experience Requirements Committee may, in the discretion of the Committee and on its own initiative, interview the applicant.

(4) The Committee shall interview the applicant if there is a question raised with respect to the ability of the applicant to communicate adequately in the English language. O. Reg. 538/84, s. 42 (2-4).

42.—(1) Every temporary licence must specify,

(a) the works, facilities, machinery, equipment or other property in Ontario to which the temporary licence relates;

(b) the name of the person, firm or corporation by whom the holder of the temporary licence is employed or engaged to perform services in Ontario within the practice of professional engineering;

(c) the name of the Member, if any, with whom collaboration is required under this Regulation; and

(d) the period of time, not exceeding twelve months, for which the temporary licence has been issued.

(2) It is a condition of every temporary licence that the services within the practice of professional engineering that may be provided by the holder of the temporary licence are limited to the services specified in the temporary licence. O. Reg. 538/84, s. 43.

43. The requirements and qualifications for the issuance of a temporary licence are payment of the fee for the temporary licence and one of the following:

1. Residence in a province or territory of Canada other than Ontario and membership in an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.

2. Qualifications at least equal to the qualifications required for the issuance of a licence to engage in the practice of professional engineering in Ontario.

3. Wide recognition in the field of the practice of professional engineering in respect of which the work to be undertaken under the temporary licence relates and not less than ten years experience in such field. O. Reg. 538/84, s. 44.

44.—(1) It is a term and condition of every temporary licence that the holder of the temporary licence must collaborate with a Member in the practice of professional engineering in respect of the work undertaken under the temporary licence unless the holder,

(a) is a member of an association of professional engineers in another province or territory of Canada that has objects similar to the objects of the Association and that requires qualifications for membership at least equal to the qualifications required for the issuance of a licence under this Act;

(b) provides evidence that the holder has qualifications at least equal to the qualifications required for the issuance of a licence under this Act and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence;

(c) provides evidence of wide recognition in the field of the practice of professional engineering relevant to the work undertaken under the temporary licence and that the holder is knowledgeable about all codes, standards and laws relevant to the work undertaken under the temporary licence; or

(d) is performing the work outside Ontario and that work is undertaken under the temporary licence to satisfy a requirement under an Act of Ontario other than the *Professional Engineers Act*. O. Reg. 538/84, s. 45 (1); O. Reg. 73/90, s. 2.

(2) It is a term and condition of every temporary licence held by a person who must collaborate with a Member that the holder of the temporary licence must not issue a final drawing, specification, plan, report or other document unless the Member has signed, dated and affixed the Member's seal thereto. O. Reg. 538/84, s. 45 (2).

45. The following conditions apply to every limited licence:

1. The practice of professional engineering by the holder of the limited licence must be limited to the services specified in the limited licence.

2. The practice of professional engineering by the holder of the limited licence must be limited to work in the employ of the employer named in the limited licence.

3. When the holder of the limited licence ceases to be employed by the employer named in the limited licence, the holder must notify the Registrar and return to the Registrar the limited licence and the seal issued to the holder. O. Reg. 538/84, s. 46.

46. The requirements and qualifications for the issuance of a limited licence are:

1. One or more of the following:

   i. A three-year diploma in engineering technology or a Bachelor of Technology degree in engineering technology from an institution approved by the Council.

   ii. A four-year honours science degree in a discipline and from a university approved by the Council.

   iii. Academic qualifications accepted by the Council as equivalent to a diploma or degree mentioned in subparagraph i or ii.

2. Thirteen years of experience in engineering work acceptable to the Council, including the years spent in obtaining the post-secondary academic training referred to in paragraph 1 with at least one year of such experience under the supervision and direction of a Member or Members or under the supervision of a person authorized to practice professional engineering in the province or territory in Canada in which the experience was acquired and at least the last two years of the experience in the services within the practice of professional engineering with respect to which the limited licence is to apply.

3. Payment of the fee prescribed by this Regulation for a limited licence.

4. Successful completion of the Professional Practice Examination.

5. Good character.

6. In the case of an applicant for a limited licence who has not previously held a limited licence, at least the last year of the experience referred to in paragraph 2 must have been with the present employer.

7. A holder of a limited licence who returns the limited licence and related seal to the Registrar and who again becomes employed is entitled to be issued a new limited licence and related seal limited to the services specified in the previous limited licence. O. Reg. 538/84, s. 47.

47. The requirements and qualifications for the issuance of a certificate of authorization are:

1. The applicant must designate, as the person or persons who will assume responsibility for and supervise the services to be provided by the applicant within the practice of professional engineering, one or more Members or holders of temporary licences each of whom has at least five years of professional engineering experience following the conferral of a degree described in subclause 33 (1) (a) (i) or the completion of an equivalent engineering education.

2. The application for the certificate of authorization must state that the persons named in paragraph 1 are,

   i. the applicant for the certificate of authorization,

   ii. employees of the applicant,

   iii. partners in the applicant, or

   iv. employees of partners in the applicant,

   and will devote sufficient time to the work of the applicant to carry out the responsibilities set out in paragraph 1.

3. The applicant must certify in a form that will be supplied by the Registrar that,

   i. the applicant is insured against professional liability in accordance with subsection 74 (1),

   ii. the applicant is participating in the Indemnity Plan of the Ontario Association of Architects in accordance with clause 74 (2) (a) and the applicant's practice is limited to professional activities covered by that Plan,

   iii. the applicant has other insurance in accordance with clause 74 (2) (b),

   iv. the applicant is not required to have professional liability insurance because any such insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards, or

   v. the applicant will comply with section 74 in the manner provided by that section by notifying each person to whom the applicant intends to provide professional engineering services that the applicant is not insured in accordance with the minimum requirements of that section. O. Reg. 538/84, s. 48; O. Reg. 71/89, s. 1; O. Reg. 72/89, s. 1; O. Reg. 73/90, s. 3.

48.—(1) A natural person, partnership or corporation that desires a certificate of authorization shall submit an application in the form that shall be provided by the Registrar containing,

(a) the names and addresses of the natural person, all partners, or all officers and directors, as the case may be, of the applicant;

(b) the names of the natural person, partners or employees, as the case may be, who hold licences or temporary licences and who will assume responsibility for and supervise the services provided that are within the practice of professional engineering on its behalf;

(c) the certificate of a person named in clause (b) certifying,

   (i) that the information contained in the application is true and correct, and

   (ii) in the case of an application for a general certificate of authorization, that the primary function of the applicant is or will be to provide services in the practice of professional engineering to the public.

(2) The information listed in subsection (1) shall be noted on the registers maintained by the Registrar.

(3) The Council may publish the information referred to in subsection (2) from time to time. O. Reg. 538/84, s. 49.

49.—(1) Subject to earlier expiry under subsection (2), a certificate of authorization,

(a) is valid from the date of issue and expires one year after the last day of the month in which the certificate was issued; and

(b) is renewable on the date of expiry, subject to subsection 15 (8) of the Act.

(2) Where the natural person, partners or employees named in an application for a certificate of authorization are all holders of temporary licences, a certificate of authorization issued in respect of the application expires on the latest date of expiry of the last to expire of such temporary licences. O. Reg. 538/84, s. 50.

50.—(1) Every practitioner shall give to the Registrar written notice of any change in the information set out in the application for the licence, temporary licence, limited licence or certificate of authorization held by the practitioner or set out in any notice previously given to the Registrar by the practitioner.

(2) The notice mentioned in subsection (1) must be given to the Registrar within thirty days after the change occurs.

(3) Where a notice of change is filed by a holder of a certificate of authorization, a person who is named in the application for the certificate of authorization or in a notice of change related thereto as a person who assumed responsibility shall certify that the information contained in the notice of change last filed is true and correct. O. Reg. 538/84, s. 51.

51. The following qualifications and requirements are prescribed

for the reinstatement of a licence or limited licence that was cancelled for non-payment of fees or for the reinstatement of the licence of a Member who resigned:

1. Payment of fees owing by the applicant to the Association at the time the applicant ceased to be a licensee or limited licensee and payment of the fees for the current year together with the additional fees payable with respect to the reinstatement.

2. Production of evidence of good character. O. Reg. 538/84, s. 52.

52.—(1) Every Member shall have a seal of a design approved by the Council, the impression of which shall include,

(a) the surname and initials or given names of the Member; and

(b) the words "Licensed Professional Engineer" and "Ontario". O. Reg. 538/84, s. 53 (1); O. Reg. 809/84, s. 3.

(2) Where a Member's seal was issued prior to the 1st day of September, 1984, the word "Registered" may appear in place of the word "Licensed" on the seal. O. Reg. 538/84, s. 53 (2), *revised*.

(3) Every holder of a temporary licence shall have a seal of a design approved by the Council, the impression of which shall include,

(a) the surname and initials of the holder of the temporary licence;

(b) the words "Temporary Licensee" and "Association of Professional Engineers of Ontario";

(c) the temporary licence number;

(d) the date of expiry; and

(e) a statement of the limitations on the temporary licence that may affect the public. O. Reg. 538/84, s. 53 (3).

(4) Every holder of a limited licence shall have a seal of a design approved by the Council, the impression of which shall include,

(a) the surname and initials of the holder of the limited licence;

(b) the words "Limited Licensee" and "Association of Professional Engineers of Ontario";

(c) the limited licence number;

(d) a statement that the licence is limited to the services within the practice of professional engineering mentioned in the limited licence;

(e) the name of the employer of the holder; and

(f) a statement of the limitations on the limited licence that may affect the public. O. Reg. 538/84, s. 53 (4); O. Reg. 73/90, s. 4.

53. Every holder of a licence, temporary licence or limited licence who provides to the public a service that is within the practice of professional engineering shall sign, date and affix the holder's seal to every final drawing, specification, plan, report or other document prepared or checked by the holder as part of the service before it is issued. O. Reg. 538/84, s. 54.

54. Every person whose licence, temporary licence, limited licence or certificate of authorization is suspended or revoked and every partnership whose certificate of authorization is suspended or revoked shall forthwith deliver it to the Registrar together with the person's or partnership's related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. O. Reg. 538/84, s. 55.

55. Every person who resigns from the Association and every person or partnership who surrenders a temporary licence, limited licence or certificate of authorization shall forthwith deliver to the Registrar the person's or partnership's licence, temporary licence, limited licence or certificate of authorization together with the related seal and the certificate, if any, designating the person as a specialist or a consulting engineer. O. Reg. 538/84, s. 56.

56.—(1) The Council shall designate as a consulting engineer every applicant for the designation who,

(a) is a Member;

(b) is currently engaged, and has been continuously engaged, for not less than two years or such lesser period as may be approved by the Council, in the independent practice of professional engineering in the Province of Ontario;

(c) has had five or more years of experience that is satisfactory to the Council and that is in excess of the minimum requirements to become a Member at the time of such application; and

(d) has passed the examinations prescribed by the Council or has been exempted therefrom, pursuant to subsection (2).

(2) The Council may exempt an applicant from any of the examinations mentioned in clause (1) (d) where the Council is of the opinion that the applicant has appropriate qualifications. O. Reg. 538/84, s. 70.

57.—(1) Designation as a consulting engineer expires five years from the date of issuance of notice of the designation.

(2) The Council shall redesignate as a consulting engineer every applicant who,

(a) is a Member;

(b) is currently engaged in the independent practice of professional engineering in the Province of Ontario; and

(c) has during the five years since the date of issue of the applicant's most recent designation as a consulting engineer had professional engineering experience satisfactory to the Council. O. Reg. 538/84, s. 71.

58. The Registrar, upon the granting or refusing of an application for a designation or redesignation shall mail forthwith to the applicant a notice stating,

(a) that the applicant has or has not been granted a designation or redesignation as a consulting engineer, as the case may be; and

(b) in the case of a refusal to grant the designation or redesignation, the reasons therefor. O. Reg. 538/84, s. 72.

59. A Member who has been designated or redesignated as a consulting engineer may use the title "consulting engineer" or a variation thereof approved by Council from time to time so long as the Member is in the independent practice of professional engineering and the designation or redesignation is valid. O. Reg. 538/84, s. 73.

60. For the purpose of this Regulation, a Member shall be deemed to be in the independent practice of professional engineering if the Member,

(a) holds a certificate of authorization and is primarily engaged in offering or providing services within the practice of professional engineering to the public; or

(b) is a partner in or employee of a holder of a certificate of authorization, is designated in the application for the certificate as a person who will assume responsibility for and supervise the services of the holder that are within the practice of professional engineering and is primarily engaged in offering or providing, on behalf of the holder, services within the practice of professional engineering to the public. O. Reg. 73/90, s. 5.

61.—(1) The Consulting Engineer Designation Committee is continued. O. Reg. 538/84, s. 75 (1), *revised*.

(2) The Consulting Engineer Designation Committee may make recommendations to the Council in respect of all matters relating to applications for designation as a consulting engineer including, without limitation,

(a) the standards to be applied;

(b) procedures for and the form and content of examinations;

(c) the qualifications of applicants;

(d) the exemption of applicants from examinations; and

(e) the length of time engaged in independent practice required. O. Reg. 538/84, s. 75 (2).

62.—(1) The Consulting Engineer Designation Committee shall consist of a chair, vice-chair and such other Members as are appointed by the Council.

(2) A majority of the members of the Consulting Engineer Designation Committee must be designated consulting engineers.

(3) The Consulting Engineer Designation Committee may, from time to time, appoint one or more subcommittees to assist it in carrying out any of its functions and to make recommendations to it with respect thereto.

(4) The majority of the members of a subcommittee of the Consulting Engineer Designation Committee must be designated consulting engineers.

(5) The chair of a subcommittee of the Consulting Engineer Designation Committee must be a member of the Consulting Engineer Designation Committee. O. Reg. 538/84, s. 76.

63. An applicant for designation as a consulting engineer shall, if requested, appear personally before the Council or the Consulting Engineer Designation Committee or a subcommittee thereof. O. Reg. 538/84, s. 77.

64.—(1) Where the Council has refused an application for designation as a consulting engineer, the applicant may, within thirty days of the date of receipt of notice of the refusal, request that the Council reconsider the application together with such additional information as is submitted by the applicant.

(2) Upon receipt of a request from an applicant pursuant to subsection (1), the Council shall reconsider the application, taking into account the additional information, if any, submitted by the applicant with the request.

(3) Upon the reconsideration, the Council may make findings of fact by such standards of proof as are commonly relied upon by reasonable and prudent persons in the conduct of their own affairs and may refer the matter to and accept recommendations from such holders of licences or committee of holders of licences as it considers appropriate in the circumstances. O. Reg. 538/84, s. 78.

65. The Registrar upon the granting or refusing of an application for reconsideration of an application for designation or redesignation shall mail forthwith to the applicant a notice stating,

(a) that the prior refusal of designation or redesignation as a consulting engineer has been confirmed or that the application for designation or redesignation as a consulting engineer has been granted, as the case may be; and

(b) in the case of a confirmation of a refusal to grant the designation or redesignation, the reasons therefor. O. Reg. 538/84, s. 79.

66. An applicant for designation or redesignation as a consulting engineer who has been refused the designation by Council is not entitled to reapply therefor for a period of twelve months after,

(a) the date of receipt of notice of the refusal of the Council; or

(b) in the case of a reconsideration by the Council, the date of receipt of notice of the refusal of the Council upon the reconsideration. O. Reg. 538/84, s. 80.

67. Only a Member designated by the Council may use the title "consulting engineer" or a variation thereof approved by the Council from time to time. O. Reg. 538/84, s. 81.

68. A holder of a certificate of authorization who is primarily engaged in offering to the public services within the practice of professional engineering and who satisfies the Council that the practice of professional engineering by the holder is and will be carried on under the responsibility and supervision of a designated consulting engineer named in the application for the certificate of authorization or in a related notice of change filed with the Registrar may use the title "consulting engineers" or a variation approved by Council from time to time. O. Reg. 538/84, s. 82.

69. A holder of a certificate of authorization ceases to be entitled to use the title "consulting engineers" or a variation thereof approved by the Council when there ceases to be a designated consulting engineer who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization or when the holder ceases to be primarily engaged in offering to the public services within the practice of professional engineering. O. Reg. 538/84, s. 83.

70. A designated consulting engineer who ceases to be responsible for and to supervise the practice of professional engineering by a partnership or a corporation shall give notice of the cessation forthwith to the Registrar. O. Reg. 538/84, s. 84.

71. The Council may cause to be published from time to time a listing of Members designated as consulting engineers and of holders of certificates of authorization entitled to use the title "consulting engineers" or a variation thereof. O. Reg. 538/84, s. 85.

72.—(1) In this section, "negligence" means an act or an omission in the carrying out of the work of a practitioner that constitutes a failure to maintain the standards that a reasonable and prudent practitioner would maintain in the circumstances.

(2) For the purposes of the Act and this Regulation, "professional misconduct" means,

(a) negligence;

(b) failure to make reasonable provision for the safeguarding of life, health or property of a person who may be affected by the work for which the practitioner is responsible;

(c) failure to act to correct or report a situation that the practitioner believes may endanger the safety or the welfare of the public;

(d) failure to make responsible provision for complying with applicable statutes, regulations, standards, codes, by-laws and rules in connection with work being undertaken by or under the responsibility of the practitioner;

(e) signing or sealing a final drawing, specification, plan, report or other document not actually prepared or checked by the practitioner;

(f) failure of a practitioner to present clearly to the practitioner's employer the consequences to be expected from a deviation proposed in work, if the professional engineering judgment of the practitioner is overruled by non-technical authority in cases where the practitioner is responsible for the technical adequacy of professional engineering work;

(g) breach of the Act or regulations, other than an action that is solely a breach of the code of ethics;

(h) undertaking work the practitioner is not competent to perform by virtue of the practitioner's training and experience;

(i) failure to make prompt, voluntary and complete disclosure of an interest, direct or indirect, that might in any way be, or be construed as, prejudicial to the professional judgment of the practitioner in rendering service to the public, to an employer or to a client, and in particular, without limiting the generality of the foregoing, carrying out any of the following acts without making such a prior disclosure:

1. Accepting compensation in any form for a particular service from more than one party.

2. Submitting a tender or acting as a contractor in respect of work upon which the practitioner may be performing as a professional engineer.

3. Participating in the supply of material or equipment to be used by the employer or client of the practitioner.

4. Contracting in the practitioner's own right to perform professional engineering services for other than the practitioner's employer.

5. Expressing opinions or making statements concerning matters within the practice of professional engineering of public interest where the opinions or statements are inspired or paid for by other interests;

(j) conduct or an act relevant to the practice of professional engineering that, having regard to all the circumstances, would reasonably be regarded by the engineering profession as disgraceful, dishonourable or unprofessional;

(k) failure by a practitioner to abide by the terms, conditions or limitations of the practitioner's licence, limited licence, temporary licence or certificate;

(l) failure to supply documents or information requested by an investigator acting under section 34 of the Act;

(m) permitting, counselling or assisting a person who is not a practitioner to engage in the practice of professional engineering except as provided for in the Act or the regulations. O. Reg. 536/84, s. 86.

73. Documents, other than decisions, of the Discipline Committee may be signed by the Registrar or a deputy registrar on behalf of the Committee. O. Reg. 536/84, s. 87.

74.—(1) Subject to subsection (2), a holder of a certificate of authorization must be insured against professional liability under a policy of professional liability insurance which complies with the following minimum requirements:

1. A policy limit for each single claim of not less than $250,000 and either an aggregate policy limit for all claims of not less than $500,000 per year or an automatic policy limit reinstatement feature.

2. A maximum deductible amount under the policy of the greater of $5,000 or 5 per cent of the annual fees the holder billed in the twelve months immediately before the issuance of the policy.

3. Coverage for liability for errors, omissions and negligent acts arising out of the performance of all services within the practice of professional engineering offered or provided to the public by the insured subject to such exclusions and conditions and otherwise on such terms as are consistent with normal insurance industry practice from time to time.

4. A provision that neither party may cancel or amend the policy of insurance in a way that results in non-compliance with this Regulation without first giving the other party at least forty-five days written notice or, in the event of non-payment of premiums, fifteen days written notice.

5. The insurance must be placed with an insurer with an aggregate capital and surplus of at least $20,000,000 or an underwriter or syndicate of underwriters operating on the plan known as Lloyds. O. Reg. 72/89, s. 2, *part*; O. Reg. 73/90, s. 6.

(2) A holder of a certificate of authorization is not required to be insured against professional liability under subsection (1) if,

(a) the holder is participating in the Indemnity Plan of the Ontario Association of Architects and the holder's practice is limited to professional activities covered by that Plan;

(b) substantially all claims arising out of the service performed within the practice of professional engineering would be covered by other insurance whose terms of coverage are not materially less than the minimum requirements under subsection (1);

(c) the professional liability insurance would be in respect of pollution hazards, nuclear hazards, aviation hazards or shipping hazards; or

(d) before entering into an agreement to provide professional engineering services, the holder notifies each person to whom the holder intends to provide professional engineering services that the holder is not insured in accordance with the minimum requirements of this section and receives from each such person written authority to provide these services without that insurance.

(3) The notice under clause (2) (d),

(a) shall include a statement that the regulation under the *Professional Engineers Act* requires the holder to notify any person to whom professional engineering services are to be provided if the holder is not insured for professional liability in accordance with the minimum requirements of that regulation;

(b) shall include a statement to be signed by the person to whom the services are to be provided that the person understands that the holder is not so insured; and

(c) shall prominently display the following statement above the statement referred to in clause (b):

"The undersigned hereby advises you that the undersigned is not insured for professional liability in accordance with the minimum requirements of Regulation 941 of Revised Regulations of Ontario, 1990 made under the *Professional Engineers Act*". O. Reg. 72/89, s. 2, *part*.

75. A Member or holder of a temporary licence, a limited licence or a certificate of authorization may advertise only,

(a) in a professional and dignified manner;

(b) in a factual manner without exaggeration;

(c) in a manner that does not directly or indirectly criticize a Member or holder or an employer of a Member or holder; and

(d) without reference to or use of the professional seal of the Member or holder or the seal of the Association. O. Reg. 538/84, s. 89.

76.—(1) Where the Council establishes a committee to prepare or assigns to a committee the preparation of a schedule of suggested fees, the committee must be composed of approximately equal numbers of Members involved in providing engineering services to the public and Members involved in purchasing such services.

(2) The committee shall prepare and recommend to the Council a schedule of suggested fees for professional engineering services.

(3) A schedule of suggested fees that is approved by the Council shall be published by the Association.

(4) A schedule of suggested fees that is approved by the Council shall be reviewed annually by the committee and amendments to the schedule that are recommended by the committee and approved by the Council shall be published by the Association.

(5) The committee shall receive and consider recommendations submitted to it by Members and by the public and may consider salary surveys conducted from time to time by the Association or others. O. Reg. 538/84, s. 90.

77. The following is the Code of Ethics of the Association:

1. It is the duty of a practitioner to the public, to the practitioner's employer, to the practitioner's clients, to other members of the practitioner's profession, and to the practitioner to act at all times with,
   i. fairness and loyalty to the practitioner's associates, employers, clients, subordinates and employees,
   ii. fidelity to public needs, and
   iii. devotion to high ideals of personal honour and professional integrity.
2. A practitioner shall,
   i. regard the practitioner's duty to public welfare as paramount,
   ii. endeavour at all times to enhance the public regard for the practitioner's profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering,
   iii. not express publicly, or while the practitioner is serving as a witness before a court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction,
   iv. endeavor to keep the practitioner's licence, temporary licence, limited licence or certificate of authorization, as the case may be, permanently displayed in the practitioner's place of business.
3. A practitioner shall act in professional engineering matters for each employer as a faithful agent or trustee and shall regard as confidential information obtained by the practitioner as to the business affairs, technical methods or processes of an employer and avoid or disclose a conflict of interest that might influence the practitioner's actions or judgment.
4. A practitioner must disclose immediately to the practitioner's client any interest, direct or indirect, that might be construed as prejudicial in any way to the professional judgment of the practitioner in rendering service to the client.
5. A practitioner who is an employee-engineer and is contracting in the practitioner's own name to perform professional engineering work for other than the practitioner's employer, must provide the practitioner's client with a written statement of the nature of the practitioner's status as an employee and the attendant limitations on the practitioner's services to the client, must satisfy the practitioner that the work will not conflict with the practitioner's duty to the practitioner's employer, and must inform the practitioner's employer of the work.
6. A practitioner must co-operate in working with other professionals engaged on a project.
7. A practitioner shall,
   i. act towards other practitioners with courtesy and good faith,
   ii. not accept an engagement to review the work of another practitioner for the same employer except with the knowledge of the other practitioner or except where the connection of the other practitioner with the work has been terminated,
   iii. not maliciously injure the reputation or business of another practitioner,
   iv. not attempt to gain an advantage over other practitioners by paying or accepting a commission in securing professional engineering work, and
   v. give proper credit for engineering work, uphold the principle of adequate compensation for engineering work, provide opportunity for professional development and advancement of the practitioner's associates and subordinates, and extend the effectiveness of the profession through the interchange of engineering information and experience.
8. A practitioner shall maintain the honour and integrity of the practitioner's profession and without fear or favour expose before the proper tribunals unprofessional, dishonest or unethical conduct by any other practitioner. O. Reg. 538/84, s. 91.

78. The following are prescribed as performance standards with respect to the general review of the construction, enlargement or alteration of a building by a professional engineer as provided for in the building code made under the *Building Code Act*:

1. The professional engineer, with respect to the matters that are governed by the building code, shall,
   i. make periodic visits to the site to determine, on a rational sampling basis, whether the work is in general conformity with the plans and specifications for the building,
   ii. record deficiencies found during site visits and provide the client, the contractor and the owner with written reports of the deficiencies and the actions that must be taken to rectify the deficiencies,
   iii. review the reports of independent inspection and testing companies called for in the plans and specifi-

cations and which pertain directly to the work being reviewed,

iv. interpret plans and specifications when requested to do so by the client, contractor or owner, and

v. review shop drawings and samples submitted by the contractor for consistency with the intent of the plans and specifications.

2. The professional engineer shall not review work in disciplines in which the professional engineer is not qualified.

3. The professional engineer may delegate one or more of the functions described in paragraph 1 to another person where it is consistent with prudent engineering practice to do so and the functions are performed under the supervision of the professional engineer.

4. In paragraph 1, "plans and specifications" means a plan or other document which formed the basis for the issuance of a building permit and includes all changes thereto that were authorized by the chief official as defined in the *Building Code Act*. O. Reg. 421/86, s. 1.

79. In the event of an interruption in postal service, the council may take such steps as it considers appropriate including, without limitation,

(a) the extension, for such periods as it considers reasonable in the circumstances, of any time periods set forth in this Regulation; and

(b) the use of such alternate means of communication as it considers appropriate in the circumstances. O. Reg. 538/84, s. 92.

80.—(1) The application fee for registration as a holder of a licence is $150.

(2) The registration fee for applicants or applicants for reinstatement whose application is accepted is $150. O. Reg. 365/87, s. 1.

81. The fee for an engineer-in-training to be recorded in the register is $50 for each year or part thereof while so recorded. O. Reg. 538/84, s. 94.

82.—(1) The application fee for registration as a holder of a temporary licence is $250 for an applicant applying under paragraph 1 of section 43.

(2) The application fee for registration as a holder of a temporary licence is $500 for an applicant applying under paragraph 2 or 3 of section 43. O. Reg. 365/87, s. 2.

83.—(1) The application fee for registration as a holder of a limited licence is $100.

(2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is $100.

(3) The annual fee for a limited licence is $75. O. Reg. 538/84, s. 96.

84.—(1) The application fee for registration as a holder of a certificate of authorization is $50.

(2) The annual fee for a certificate of authorization is $75.

(3) The fee for each replacement certificate of authorization issued is $20. O. Reg. 538/84, s. 97.

85. The fees for writing examinations required in respect of each application are as follows:

(a) the examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is $350;

(b) the examination fee for each subsequent examination and the rewriting of an examination previously failed is $100;

(c) the fee to be paid upon submission of a thesis is $150; and

(d) the fee for writing or rewriting the Professional Practice Examination is $85,

all of which are non-returnable. O. Reg. 538/84, s. 98; O. Reg. 365/87, s. 3; O. Reg. 73/90, s. 7.

86.—(1) The application fee for designation as a consulting engineer is $125.

(2) The fee for designation as a consulting engineer is $125 for the period of designation.

(3) The application fee for redesignation as a consulting engineer is $125. O. Reg. 365/87, s. 4.

(4) The fee for each examination required in support of an application for designation as a consulting engineer is $75.

(5) The application fee for permission to use the term "consulting engineers" is $15. O. Reg. 538/84, s. 99 (4, 5).

87. The Council may from time to time determine and establish the dates on which fees payable to the Association are due. O. Reg. 538/84, s. 101.

## Schedule

References to "Electoral Districts" and the boundaries of Electoral Districts refer to Electoral Districts of Ontario as such Electoral Districts are described in *The Representation Act, 1966* (Statutes of Ontario, 1966, chapter 137). The areas of regions set forth in the Schedule shall not be altered by reason of any amendment of *The Representation Act, 1966*.

### WESTERN REGION

Includes all that part of Southwestern Ontario lying south and west of a line drawn as follows:

From Nottawasaga Bay along the east boundary of Grey South Electoral District, the east boundary of Wellington-Dufferin Electoral District, the north and southwest boundaries of Halton East Electoral District, then along the shoreline of Lake Ontario to the Niagara River.

### WEST CENTRAL REGION

Includes all that part of Central Ontario lying within a line drawn as follows:

From Lake Ontario along the southwest and north boundaries of Halton East Electoral District, the west, north and east boundaries of Peel North Electoral District to the boundary of The Municipality of Metropolitan Toronto, then east to the West Don River and then south to Bayview Avenue, then south to Moore Avenue and proceeding west to the east boundary of St. David Electoral District, then southeast to the line of the Canadian Pacific Railway, and proceeding west to Spadina Road, then south to College Street, west to Bathurst Street, south to Dundas Street West, west to Palmerston Avenue, then south along the east boundary of Bellwoods Electoral District to Lake Ontario.

EAST CENTRAL REGION

Includes all that part of East Central Ontario lying within a line drawn as follows:

From Lake Ontario, north along the east boundary of Bellwoods Electoral District to Dundas Street West, then east to Bathurst Street, north to College Street, east to Spadina Avenue, north to the line of the Canadian Pacific Railway at Dupont Street, then east along the railway line to the boundary of the York East Electoral District, northwest to Moore Avenue, east to Bayview Avenue, north to the West Don River, then following the line of the river north to the boundary of The Municipality of Metropolitan Toronto, and then west to the boundary of the Peel North Electoral District boundary, north to the boundary of Dufferin-Simcoe Electoral District, along the south and west boundaries of Dufferin-Simcoe Electoral District to Georgian Bay, then north to the north boundary of Muskoka Electoral District, and along the east boundaries of Muskoka and Simcoe East Electoral Districts to Lake Simcoe, then along the east shoreline of Lake Simcoe to Port Bolster, then in southeasterly direction to Cresswell, then along the west and south boundaries of Victoria-Haliburton Electoral District, west and south boundaries of Peterborough Electoral District to the west boundary of Percy Township, then south along the township line to Lake Ontario.

EASTERN REGION

Includes all that part of Eastern Ontario within a line drawn as follows:

From Lake Ontario along the east boundary of Haldimand Township in a line north to the Peterborough Electoral District boundary and south and west boundaries of Victoria-Haliburton Electoral District to Cresswell, then along a line northwest to Port Bolster and then following the east shoreline of Lake Simcoe to the boundary of the Simcoe East Electoral District east boundary, then along the south and east boundaries of Muskoka Electoral District, then south and east boundaries of Parry Sound Electoral District to the Ottawa River, then following the line of the Ottawa River, the Province of Quebec boundary, the St. Lawrence River and Lake Ontario.

NORTHERN REGION

Includes all that part of Northern Ontario lying north of and including the Electoral District of Algoma-Manitoulin and Parry Sound. O. Reg. 538/84, Sched.

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## ADDENDUM

The following sections in Regulations 941 have been added or amended since the Revised Regulations of Ontario were printed in 1990.

**NEW**

Section 77 (1)

The following subsections are added:

iv. knowledge of developments in the area of professional engineering relevant to any services that are undertaken, and

v. competence in the performance of any professional engineering services that are undertaken. O.Reg. 48/92.

Section 78.1

78.1 The Registrar, if informed of a situation that may endanger life, health, property or the public welfare, may take such action as is reasonably necessary to serve or protect the public interest. O.Reg. 46/92.

**AMENDED**

Sections 80 through 86 inclusive are amended as follows:

80. (1) The application fee for registration as a holder of a licence is $175.

(2) The registration fee for applicants or applicants for reinstatement whose application is accepted is $175. O.Reg. 631/92, s. 1.

81. The fee for an engineer-in-training to be recorded in the register is $50 for each year or part thereof while so recorded. O.Reg. 538/84, s. 94.

82. (1) The application fee for registration as a holder of a temporary licence is $450 for an applicant applying under paragraph 1 of section 43.

(2) The application fee for registration as a holder of a temporary licence is $450 for an applicant applying under paragraph 2 or 3 of section 43. O.Reg. 631/92, s. 2.

83. (1) The application fee for registration as a holder of a limited licence is $175.

(2) The registration fee for an applicant for registration as a holder of a limited licence whose application is accepted is $175.

(3) The annual fee for a limited licence is $120. O.Reg. 631/92. s. 3, part.

84. (1) The application fee for registration as a holder of a certificate of authorization is $250.

(2) The annual fee for a certificate of authorization is $250.

(3) The fee for each replacement certificate of authorization issued is $35. O.Reg. 631/92, s. 3, part.

85.(1) The fees for writing examinations required in respect of each application are as follows:

1. the examination fee for the first examination written by an applicant, other than the Professional Practice Examination, is $400;

2. the examination fee for each subsequent examination and the rewriting of an examination previously failed is $115;

3. the fee to be paid upon submission of a thesis is $250; and

4. the fee for writing or rewriting the Professional Practice Examination is $100.

(2) The fees in subsection (1) are non-returnable. O.Reg. 631/92, s.4.

86.(1) The application fee for designation as a consulting engineer is $150.

(2) The fee for designation as a consulting engineer is $150 for the period of designation.

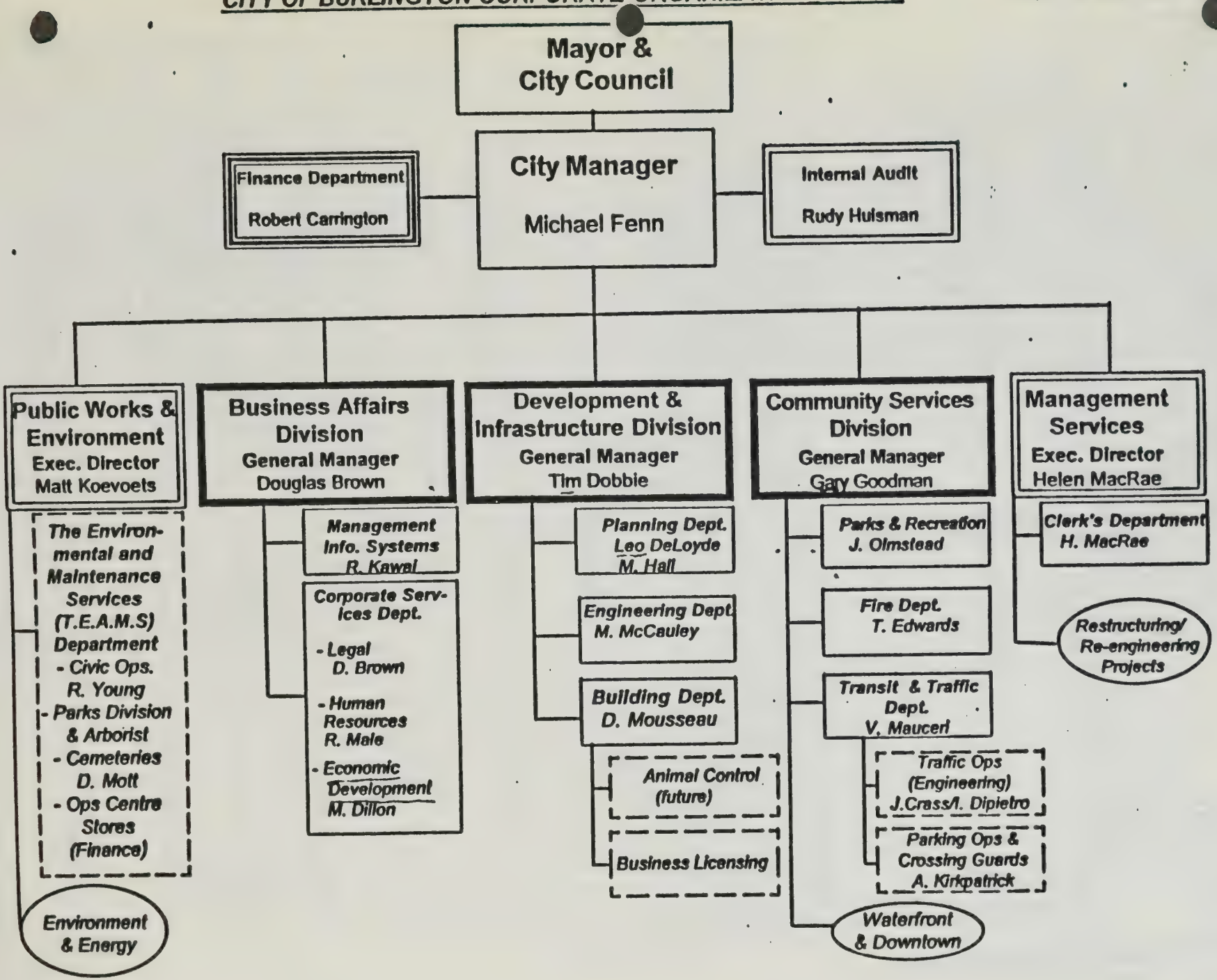
3) The application fee for redesignation as a consulting engineer is $150.

(4) The fee for each examination required in support of an application for designation as a consulting engineer is $100.

(5) The application fee for permission to use the term "consulting engineers" is $25. O.Reg. 631/92, s.5.

# CITY OF BURLINGTON CORPORATE ORGANIZATION CHART

Effective September 6, 1994



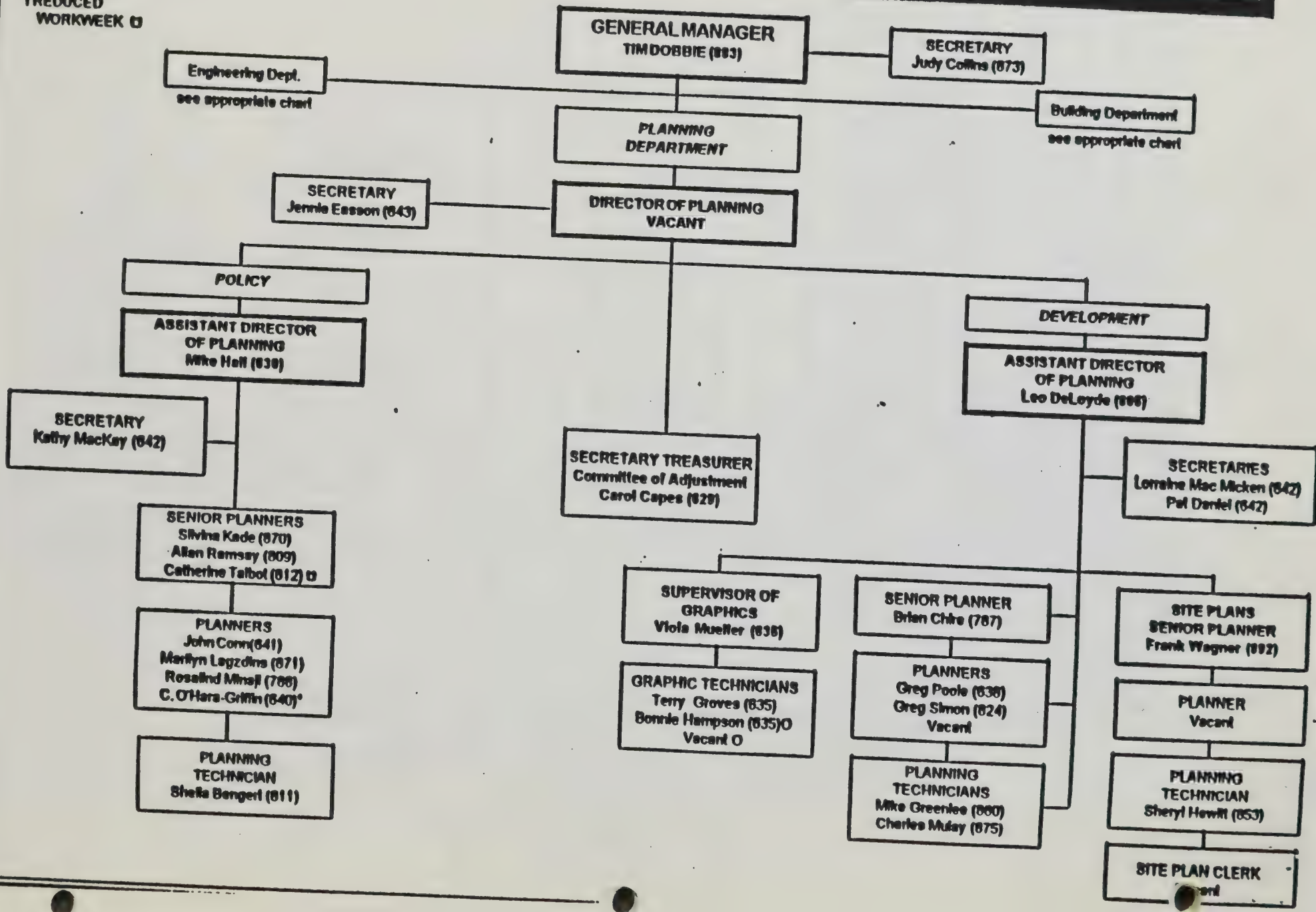
# DEVELOPMENT AND INFRASTRUCTURE DIVISION
## PLANNING DEPARTMENT
### January 1995

21 FULL TIME EMPLOYEES

1 CONTRACT *

1 JOBSHARE O

1 REDUCED WORKWEEK ⊡



234 Eglinton Avenue East
Suite 401
Toronto, Ontario
M4P 1K5

Tel: (416) 483-1873
Fax: (416) 483-7830
1-800-668-1448

ONTARIO PROFESSIONAL PLANNERS INSTITUTE

INSTITUT DES PLANIFICATEURS PROFESSIONNELS DE L'ONTARIO

# PROFESSIONAL CODE OF CONDUCT

## 1.0 PREAMBLE

As the basic objective of planning is the promotion of the general welfare, the member will respect this paramount consideration in the member's work, even in cases where it may be in conflict with the apparent interest of smaller groups or of individuals. The member will recognize that resources are the property of the nation as well the property of some individual or group; therefore the member will seek to protect and promote both public and private interests, as may be appropriate to the situation, always acknowledging the primacy of the public interest.

## 2.0 RULES OF DISCIPLINE

2.1 The member shall assist in maintaining the integrity and competence of the planning professions and specifically:

2.1.1 shall provide independent professional judgement to a client or employer;

2.1.2 shall not accept employment to perform planning services which the member is not competent by education or experience to perform;

2.1.3 shall not neglect planning services which the member has agreed to perform, nor render service without research and preparation adequate in the circumstances;

2.1.4 shall not advertise in self-laudatory language or in any other manner derogatory to the dignity of the profession;

2.1.5 shall not maliciously or falsely injure the professional reputation, prospects or practice of another member;

2.1.6 shall respect the member's colleagues in their professional capacity, and when evaluating the work of another member for the same client shall show evidence of objectivity and justice, and be willing publicly to defend the evaluation;

2.1.7 shall not seek to displace another member knowing that a firm commitment has been made toward the employment of the other;

2.1.8 shall not give compensation in any form to a person or organization to recommend or secure a member's employment, or as a reward for having made a recommendation resulting in the member's employment;

2.1.9 shall not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the member's actions as an advisor to a public planning agency;

2.1.10 shall not, in order to obtain professional work, hold himself/ herself out or permit himself/herself to be held out as prepared to provide planning services at fees that are less than reasonable and appropriate in the circumstances;

2.1.11 shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

2.2 The member shall maintain a professional and ethical relationship with the client or employer and specifically:

2.2.1 shall, in matters where the public interest may be adversely affected, inform all parties and give public disclosure of the consequences, together with the member's professional recommendation;

2.2.2 except with the consent of the client or employer after full disclosure, or except as required by law, court or administrative order or subpoena, a member shall not reveal, use to the member's personal advantage or to the advantage of a third person, information gained in the professional relationship or employment that the client or employer has requested be held inviolate or the disclosure of which would be likely to be detrimental to the client or employer;

2.2.3 shall not knowingly engage in anything which may conflict with the member's professional duties to the client or employer, notwithstanding full disclosure by the member to the client or employer of a possible conflict of interest and duty;

2.2.4 shall have no financial interest in the result of the member's work which has not been disclosed to and received the approval of the client or employer;

2.2.5 shall not, as an employee of a public planning agency, give professional planning advice to a private client or employer within the area of jurisdiction of the public agency without the written authorization of the agency;

2.2.6 shall not, as a consultant to a public planning agency during the period of the contract with the agency, give professional planning advice to others within the area of jurisdiction of the agency without the prior written authorization of the agency;

2.2.7 shall not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the member has submitted to the agency; however, the member may appear to present the application.

2.3 The member shall endeavour to practice good employee relations and specifically:

2.3.1 shall not directly or indirectly discriminate against any person because of said person's race, colour, creed, sex, or national origin in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;

2.3.2 shall, so far as is compatible with the member's responsibilities, give employees every opportunity of access to such work as will allow the employees to develop their full potential.

capic

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

March 27, 1995

TC-CAP(A)

Alderman D. Drury
Chairman, Planning and Development Committee

Dear Alderman Drury:

Re: CAPIC Resolution Regarding Local Planning Branch

The Central Area Plan Implementation Committee (CAPIC), at its meeting of March 24, 1995, discussed the proposed restructuring of the City planning function.

After a lengthy discussion on this matter, the following motion was adopted by CAPIC, as moved by John Nolan, and seconded by Graeme McTaggart:

> "That in any contemplated reorganization of the Local Planning Branch, (City planning function), the Central Area Plan Implementation Committee (CAPIC) support a strong, effective, independent Planning Department; and,
>
> That CAPIC encourage coordination of City planning functions with the Regional Planning and Development Department."

Please contact Vanessa Grupe of the Planning Department at Ext. 4160 should you require any further information concerning this resolution or related matters.

Yours truly,

Vanessa Grupe

Vanessa Grupe
CAPIC Coordinator

cc. J. Pavelka
L. King

CAPIC.95

# capic

## CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

March 27, 1995

TC-CAP(A)

Alderman Wm. McCulloch

Dear Alderman McCulloch:

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Yours truly,

Vanessa Grupe

Vanessa Grupe
CAPIC Coordinator

cc. J. Pavelka
L. King

CAPIC.95

URBAN/MUNICIPAL
CA4 ON HB A05
C51P4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

APR 25 1995

GOVERNMENT DOCUMENTS

# NOTICE OF SPECIAL MEETING

**PLANNING AND DEVELOPMENT COMMITTEE**
**Tuesday, 1995 April 25**
**5:45 o'clock p.m.**
**Room 233, City Hall**

Stella Glover

**Stella Glover, Secretary**
**Planning and Development Committee**

Please be advised that a Special Meeting of the Planning and Development Committee will be held at the above noted time and place to consider the following items:

## AGENDA

1. **Director of Property**

   66-68 King Street East, Victoria Hall/MacKay Buildings (Foster Building)

2. **City Council Referral Back/Building Commissioner**

   Demolition Permit - 760 West 5th Street

** Dinner will be available at 5 p.m. in Room 264.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 April 21

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** D. W. Vyce
Director of Property

**SUBJECT:** 66-68 King Street East
Victoria Hall/MacKay Buildings
(Foster Building)

**RECOMMENDATION:**

That the Property Department be authorized to make an exploratory Offer to Purchase for the property known as 66-68 King Street East.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

If the Offer to Purchase is accepted by the Owner, the method of funding this purchase must be considered by the Finance and Administration Committee.

**BACKGROUND:**

A Sub-Committee of the Planning and Development Committee, made up of Mayor Morrow, Alderman McCulloch, Alderman Eisenberger, Alderman Caplan, plus support staff, met on 1995 April 21 to review the options for the City of Hamilton to possibly purchase 66-68 King Street East, in order to preserve this historic property.

As a result of the discussions that took place, the aforesaid recommendation was supported.

MCJW/klb

c.c. Joe Pavelka, Chief Administrative Officer

Allan C. Ross, Treasurer

P. Noé Johnson, City Solicitor

V.J. Abraham, M.C.I.P., Director, Planning Department

(95C-11)

# CITY OF HAMILTON

## - RECOMMENDATION -

2.

**DATE:** 1995 April 7

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
760 WEST 5TH STREET
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 760 West 5th Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

PRESENT ZONING: C (Map W-9B)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Freeway

BRIEF DESCRIPTION: One storey protected frame dwelling and accessory building. Owner wishes to demolish existing dwelling and accessory building for freeway construction. No LACAC interest. Lot size 145' x 116'.

The owner of the property as per the demolition permit is:

Region of Hamilton-Wentworth

SH/zr

# OFFICE OF THE CITY CLERK

## MEMORANDUM

TO: S. Glover, Secretary
Planning and Development Committee
Department of City Clerks

YOUR FILE:

FROM: S. G. Hollowell
Acting City Clerk

OUR FILE:
PHONE: 546-2727

SUBJECT: Demolition Permits
661 Upper Wellington Street and
760 West 5th Street

DATE: 1995 April 12

Please be advised that City Council at its meeting held 1995 April 11 referred Section 9 (b) and (c) of the Eleventh Report of the Planning and Development Committee for 1995, respecting the above noted matters, back to the Planning and Development Committee as follows:

"9. (b) That the Building Commissioner be authorized to issue a demolition permit for 661 Upper Wellington Street in accordance with By-Law No. 74-290 pursuant to Section 33 of the Planning Act as amended.

(c) That the Building Commissioner be authorized to issue a demolition permit for 760 West 5th Street in accordance with By-Law No. 74-290 pursuant to Section 33 of the Planning Act as amended."

Trusting that the above noted confirmation is of assistance to you.

S. G. Hollowell

SGH/sg/cm

cc: Ald. D. Drury, Chairperson, Planning & Development Committee
L. King, Building Commissioner

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

# NOTICE OF MEETING

**PLANNING AND DEVELOPMENT COMMITTEE**
**Wednesday, 1995 May 3rd**
**9:30 o'clock a.m.**
**Room 233, City Hall**

URBAN MUNICIPAL
MAY 1 1995
GOVERNMENT DOCUMENTS

Stella Glover

**Stella Glover, Secretary**
**Planning and Development Committee**

## AGENDA

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. City Initiative 94-B - Review of Vehicles in Residential Zoning Districts;

2. City Initiative 94-E - Lodging Houses.

3. **DELEGATION**

   Greencedar/Firenze Retaining Walls - Area Residents

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF LOCAL PLANNING**

   (a) Site Plan Control Application DA-95-12 for a 100 Unit Multiple Dwelling Project at 1355 Limeridge Road East

   (b) Bill 163 - Amended Planning Act and Comprehensive Set of Policy Statements

5. **CITY SOLICITOR**

Partial Reductions for Securities held with Respect to Site Plan Agreements

6. **PRIVATE AND CONFIDENTIAL AGENDA**

7. **CONSENT AGENDA**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 April 25

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V. J. Abraham, M.C.I.P.
Director of Planning and Development

Mr. L. C. King, P.Eng.
Building Commissioner

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* City Initiative 94-B - Review of Vehicles In Residential Zoning Districts

*RECOMMENDATION:*

1. That approval be given to City Initiative 94-B, respecting the parking of large vehicles in residential zoning districts, on the following basis:

   A) That Section 2.(2) J. - Miscellaneous Definitions - Technical be amended by adding the following new definition:

      "2.(2) J. (xixe) **"Recreational Vehicle"** includes a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles."

   B) That Section 18A - Parking and Loading Requirements of Zoning By-law No. 6593, be amended as follows:

      (i) By renumbering the existing Section 18A(15) as 18A(15)(a); and,

(ii) By adding a new Section 18A(15)(b), as follows:

"18A(15)(b) Notwithstanding clause 15(a) above, a recreational vehicle may be parked in a residential district provided that:

i) the owner or occupant of a lot in a residential district may park a maximum of one recreational vehicle on any one residential lot;

ii) a recreational vehicle shall be located in a rear yard, or interior side yard, or within a fully enclosed building or structure;

iii) a recreational vehicle shall not occupy required parking; and,

iv) a recreational vehicle shall be set back a minimum distance of 1.2 m from any lot line, unless parked within a fully enclosed building or structure.

2. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, for presentation to City Council.

3. That this proposed general text amendment to Zoning By-law No. 6593 is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the proposed general text amendment to Zoning By-law No. 6593, is to amend Section 2 - Interpretation and Definitions by adding a definition of "**recreational vehicle**", and by amending Section 18A Parking and Loading Requirements to permit recreational vehicles to be parked in residential districts.

The effect of the amendment is to provide for a definition of a recreational vehicles as follows:

> "**Recreational Vehicle**" includes a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles.

Furthermore, the amendment will permit recreational vehicles to be parked in residential districts, subject to the following provisions:

- the owner or occupant of a lot in a residential district may park a maximum of one recreational vehicle on any one residential lot;

- a recreational vehicle shall be located in a rear yard, or interior side yard, or within a fully enclosed building or structure;

- a recreational vehicle shall not occupy required parking; and,

- a recreational vehicle stored outdoors shall be set back a minimum distance of 1.2 m from any lot line.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

As a result of a number of complaints received by the Building Department, regarding the parking of large recreational vehicles, trailers and boats in residential districts, the Planning and Development Committee, at its meeting on September 22, 1993, requested the Building and Planning and Development Departments to undertake a review of Section 18A(15) of the Zoning By-law, which currently prohibits the following vehicles from parking in residential zoning districts:

1. a vehicle for which the permit fee under the Highway Traffic Act is based on the weight of the vehicle and load, in excess of 4.0 tonnes;

2. a vehicle which exceeds 6.5 m in length;

3. a vehicle which is equipped with dual wheels or tandem axels;

4. a vehicle which is a tow truck;

5. a vehicle which is a bus;

6. a vehicle which is a bus converted into a mobile home; and,

7. a vehicle which is a bus used for commercial purposes.

A study was undertaken and considered by the Planning and Development Committee on June 22, 1994, at which time the Committee directed the Planning and Development Department to hold a Public Meeting on November 23, 1994 to consider City Initiative 94-B. The City Initiative set out the following options with regard to recreational vehicles, and recommended Option 1 as the preferred Option:

- Option 1 - Maintain the Status Quo;

- Option 2 - Amend the Zoning By-law To Permit Recreational Vehicles with Restrictions; and,

- Option 3 - Amend the Zoning By-law To Permit Unrestricted Recreational Vehicles.

Due to the disruption to Committee meetings as a result of municipal elections, the Planning Department was subsequently requested to defer the Public Meeting until January 4, 1995. The Planning Department presented a Report dated December 13, 1994 and made the following recommendation:

> "That Section 18A(15) of Zoning By-law No. 6593, prohibiting the parking of certain large vehicles (including larger recreational vehicles, such as motor homes, house trailers, boat trailers, etc.) in residential districts, be maintained as:
>
> (i) this will preserve the intent of Zoning By-law No. 83-66, to prohibit large and commercial type vehicles from residential Districts due to the potential negative impacts on residential neighbourhoods, such as visual intrusion, noise, fumes, traffic impacts, etc.; and,
>
> (ii) this will continue to allow for smaller recreational vehicles which do not have the potential for negative impacts on residential neighbourhoods (ie. less than 6.5 m in length, without tandem axels or dual wheels)."

However, after hearing public comments and deliberation of the issues, the Committee decided upon the following course of action:

- the item was tabled and referred back to Planning Department staff for further review of **Option 2 - Amend the Zoning By-law To Permit Recreational Vehicles with Restrictions**, that public input be received, and that a second Public Meeting be held in May, 1995; and,

- the Building Commissioner was authorized not to enforce Zoning By-law No. 6593 pertaining to recreational vehicles on a request for service basis until the public meeting scheduled for May 1995. In the case of the list of 75 complaints against recreational vehicles in residential zoning districts the Building Commissioner is to take no further action.

In this regard, the purpose of this report is to further detail and make recommendations regarding **Option 2 - Amend the Zoning By-law To Permit Recreational Vehicles with Restrictions**, and review public submissions received with respect to this City Initiative. In addition, all

reports have been prepared in consultation with the Building, Roads, Traffic and Law Departments.

***OPTION No. 2 - AMEND THE ZONING BY-LAW TO PERMIT RECREATIONAL VEHICLES WITH RESTRICTIONS :***

This option involves an amendment to the Zoning By-law to revise the existing regulations to permit recreational vehicles in residential districts. A number of disadvantages were identified for Option 2 in the December 13, 1994 Report:

- negative impacts on residential neighbourhoods are still likely to occur, such as visual intrusion, traffic impacts, etc. Specifically, the parking of such vehicles would have a direct impact on neighbouring properties with regard to visual amenity, shading and invasion of privacy;

- it may encourage residents to utilize required parking to store recreational vehicles, thereby increasing the parking of automobiles on the adjacent street or in a front yard;

- large recreational vehicles can have the same or similar impacts on a residential neighbourhood as other large or commercial vehicles;

- it may be difficult to enforce, in that vehicles could be easily moved back into a prohibited yard or set back after an inspection takes place;

- the manoeuvrability of recreational vehicles may be difficult, since many residential lots are quite small in area (ie. owners may not be able to adequately manoeuvre large vehicles on and off residential properties);

- it appears that many recreational vehicles could not be accommodated in accordance with the proposed standards. Site visits indicate that the large majority of recreational vehicles are parked in a front yard, or in a side yard at, or close to, the property line. In this regard, it does not seem likely that many residential side yards are large enough to accommodate the storage of a recreational vehicle, while maintaining the proposed 1.2 m setback; or, alternately, many houses have a garage and no side driveway. Likewise, since most driveways do not provide access to the rear yard, it would not appear that many vehicles could be stored in a rear yard; and,

- the majority of recreational vehicles are probably too large to be stored in a residential garage. Consequently, if recreational vehicles are permitted to be stored in residential districts, such storage should be subject to restrictions in order to minimize potential effects on adjacent residential properties, as follows:

Despite the difficulties in storing recreational vehicles on some residential lots (ie. due to small lot size), a number of restrictions are essential to mitigate potential negative impacts. The restrictions were developed based on past experience (ie. By-law enforcement) and the survey of regulations utilized in other municipalities undertaken in conjunction with this City Initiative. The following is a description of the proposed restrictions and explanation regarding the intent of each.

The owner or occupant of any residential lot may park or store a maximum of one recreational vehicle on any one lot.

This provision would have the effect of limiting parking to one recreational vehicle per lot. The intent of this provision is to restrict impacts on adjacent property owners, by prohibiting the parking of multiple recreational vehicles on any one lot, which would increase impacts on neighbours and further strain parking supply (ie. by enforcing additional on-street parking). In addition, it restricts the parking of recreational vehicles to only owners or occupants of the residential lot. The intent in this regard, is to restrict parking to only recreational vehicles which belong to the owners or occupants of the lot. This would avoid the parking of recreational vehicles, as storage for non-residents. This is consistent with regulations used by other municipalities (ie. several municipalities surveyed restrict recreational vehicles to one or two per lot).

The recreational vehicle shall only be located in a rear yard or interior side yard, or within a fully enclosed building or structure.

This provision would have the effect of prohibiting recreational vehicles from parking in front yards and side yards on corner lots, which abut a street line. Recreational vehicles would only be permitted in a garage, rear yard, or interior side yard. Two of the major concerns regarding these large vehicles is the negative visual impacts on residential neighbourhoods and streetscapes, and invasion of privacy for abutting residents. The intent of this provision is to mitigate impacts on adjacent residents and the neighbourhood in general by requiring recreational vehicles to be parked or stored where they are least visible and obtrusive. This is also consistent with policy which prohibits front yard parking for single and two-family dwellings. Furthermore, out of nine municipalities surveyed that regulate recreational vehicles or trailers, eight use restrictions to certain yards. The general intent is to keep the vehicles out of front yards.

The recreational vehicle shall not occupy required parking

This provision would prohibit recreational vehicles from occupying required parking. The effect would be that each dwelling would have to provide its required parking space intended for an everyday vehicle (ie. family car); a recreational vehicle would have to be stored or parked in an additional, non-required parking space. One concern with allowing large recreational vehicles to be parked in residential zones, is that these vehicles can be quite large and may occupy all

available on-site parking. This may then lead to on-street parking, and impact the overall parking supply and residential character of the neighbourhood. Consequently, the intent of this provision, is to ensure that adequate parking is provided for the recreational vehicles being stored over and above the minimum required parking.

The recreational vehicle shall be set back a minimum distance of 1.2 m from any lot line

This provision would require every recreational vehicle parked in a residential district to be parked at least 1.2 m (3.94 ft.) from any property line. One of the major concerns with large recreational vehicles is the potential negative impact on neighbouring residents, such as visual intrusion, invasion of privacy, shading, etc. The intent of this provision is to require an adequate setback from property lines to mitigate these effects. The minimum distance (1.2 m) is consistent with standard side yard requirements for single and two-family dwellings (ie. "C" and "D" district). In addition, several municipalities surveyed use setback requirements ranging from 1.0 m to 7.5 m.

Proposed definition of recreational vehicle

Further to the above, if the Zoning By-law is to include specific provisions to regulate recreational vehicles within residential districts, it will also be necessary to include a definition of recreational vehicles, in order to clarify this type of vehicle. The following definition has been prepared with reference to accepted Zoning terminology, definitions used by other municipalities, and past experience with regard to By-law enforcement:

> "**Recreational Vehicle**" includes a vehicle which provides sleeping and other facilities for short period of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles.

Further to the above, the definition will clarify that "recreational vehicle" does not include a mobile home, which is designed to be a permanent, transportable single-family dwelling unit. In addition, it is noted that other vehicles, such as boats, trailers with boats or skidoos, utility trailers, etc. will continue to be regulated by the previous regulations (ie. they will be permitted as long as they do not exceed the maximum length of 6.5 m, have tandem axels or dual wheels). In this regard, the restriction to a maximum of one recreational vehicle would only apply to those vehicles which fall under the definition of noted above.

***REVIEW OF PUBLIC SUBMISSIONS:***

On January 26, 1995, a request for written submissions, with regard to the Options presented in the December 13, 1994 report, was sent to all interested parties. A total of four individuals replied, the responses are attached as **APPENDIX "A"**, and are summarized below.

Comments in Opposition to Permitting Large Recreational Vehicles in Residential Districts

One of the three replies (marked as **APPENDIX "A1"**), stated opposition to permitting large recreational vehicles in residential districts. The author's neighbour has a large recreational vehicle parked close to the common property line (ie. "mere inches") and the following is a summary of concerns:

- rooms in the author's home are blocked from sunlight/daylight;
- the recreational vehicle is parked inches from the property line, causing difficulty with regard to maintaining the fence;
- the vehicle is rarely moved from storage, therefore, the author experiences daily aggravation with little relief; and,
- the author experiences invasion of privacy since the owner's of the recreational vehicle tend to spend time in the motorhome and have a clear view into the author's home.

Comments in Favour of Permitting Large Recreational Vehicles in Residential Districts

Three of the replies received were in favour of permitting large recreational vehicles in residential zones.

One of the two recommended allowing recreational vehicles with restrictions, and made a number of suggestions regarding the restrictions (see attached **APPENDIX "A2"**) summarized as follows:

- a definition of "Recreational Vehicle" is provided. It is noted that this definition is very similar to the one proposed, but does not include a clause to ensure the recreational vehicle is intended for recreation of a temporary nature. This is necessary to ensure that mobile homes can not be included.
- a number of comments are made with regard to the location and nature of storage, such as:

- within an enclosed garage or rear yard;

- within a side yard, 1.9 m from the side lot line;
- must be setback from the front wall of the buildings;
- may not obstruct access to or from required parking;
- side yard storage area must be paved;
- recreational vehicles must be backed in;
- recreational vehicles may not be used for living quarters;
- boats should be parked in an enclosed garage or in a rear yard;
- accessory trailers should be permitted behind the front wall of the building, with no setback; and,
- only individuals who are directly affected by the parking of a recreational vehicle should be allowed to complain.

It is noted that the suggestions are fairly consistent with the proposed regulations. Some of the suggestions, such as obstructing access to required parking, requiring suitable surface treatment, prohibiting recreational vehicles from use as living quarters, are not necessary, given existing By-law regulations. Furthermore, it should be noted that Zoning By-laws can not regulate the way a vehicle is driven; they can not require a vehicle to be "backed in". Furthermore, there does not appear to be any basis for providing relief for accessory trailers. Any type of trailer used for recreational purposes and falling under the proposed definition would be subject to the new regulations. Lastly, with regard to the issue of complaints, enforcement of the Zoning By-law does proceed on a complaint basis throughout the City, and there should be no special circumstances for recreational vehicles. It is noted that only on rare occasions does any one other than an affected party submit a complaint. If this does occur, then the Building Department can make a specific request to City Council for direction.

The second respondent, also in favour of permitting large recreational vehicles in residential areas, made two submissions (marked as **APPENDIX "A3"**).

One submission, marked as "first choice", states Option No. 3 - Amend the Zoning By-law to Permit Recreational Vehicles Without Restrictions, is preferable, with a few changes, as follows:

- trailers must be 1.2 m from the lot line;
- recreational vehicles must not replace automobile parking;
- for complaints, a neighbour on both sides must make a complaint.

It is noted that the first two suggestions are incorporated into the proposed regulations, however these alone are not considered sufficient to mitigate potential negative impacts. Furthermore, there is no rational reason to require two abutting property owners to constitute a complaint for violation of the Zoning By-law. One neighbour alone should have the right to lodge a complaint, there should be no special circumstances for recreational vehicles.

A second submission, marked as second choice, recommends Option No. 2 - Amend the Zoning By-law to Permit Recreational Vehicles With Restrictions, with a number of changes, such as:

- from May to the end of October recreational vehicles should be allowed in any yard;

- for the remainder of the year (ie. winter months), recreational vehicles should be allowed in the side or rear yard, with a maximum of three days in the front yard for cleaning, etc.;

- a setback of 1.2 m from any lot line should be applied;

- a City Committee to investigate compliance; and,

- with regard to complaints, suggestions are made requiring a minimum number of neighbours (ie. four complaints) to file complaints, in order to have a violating recreational vehicles removed.

The thrust of this suggestion, is to allow recreational vehicles without restrictions for the summer months, to allow greater flexibility for users. However, these types of seasonal regulations are not recommended. Firstly, the proposed regulations are intended to protect the negative impacts on neighbours, and this is of specific importance in the summer months when residents enjoy outdoor activities. Also, regulations should not discriminate against those who use their vehicles more frequently during the winter (ie. retirees). Secondly, the proposed regulations would not effectively prohibit a recreational vehicle from being temporarily parked in a driveway for cleaning or loading. Furthermore, as stated above, there is no rational reason to require a minimum number of property owners to constitute a complaint for violation of the Zoning By-law. One neighbour alone should have the right to lodge a complaint and there should be no special circumstances for recreational vehicles.

The fourth submission, states Option No. 3 - Permit Recreational Vehicles Without Restrictions is preferred and also makes some suggestions with regard to complaints (ie. cash deposit, distance requirement for viable complaints, however for the reasons stated above, violations to this section of the By-law should be dealt with in the same manner as other violations.

***COMMENTS:***

1. The City of Hamilton Official Plan is silent regarding the types of vehicles permitted in residential zones. The proposed text amendment would not conflict with the Official Plan.

2. Based on the foregoing analysis, should City Council find it appropriate to amend the Zoning By-law to permit the parking of larger recreational vehicles in residential districts, the following provisions should be utilized to mitigate negative impacts:

- the owner or occupant of any residential lot may park or store a maximum of one recreational vehicle on any one lot;

- the recreational vehicle, shall be located in a rear yard, or interior side yard, or within a fully enclosed building or structure;

- a recreational vehicle shall not occupy required parking; and,

- a recreational vehicle shall be set back a minimum distance of 1.2 m from any lot line.

Furthermore, the following definition of recreational vehicle should be established:

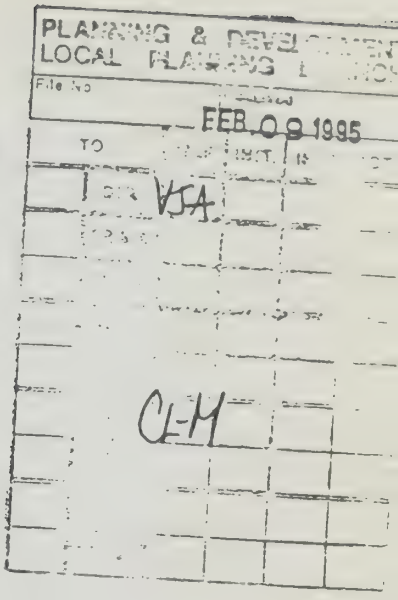
> "**Recreational Vehicle**" includes a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles.

*CONCLUSION:*

Based on the foregoing, City Initiative 94-B, provides for the appropriate regulations for larger recreational vehicles in residential districts.

CL-M/mm

# APPENDIX A - WRITTEN SUBMISSIONS




February 7, 1995

Att : Mr. Victor Abraham,
Director of Local Planning,
Hamilton City Hall

Dear Mr. Abraham,

We are writing to you in regards to the revision of the bylaw re: the parking of motor homes on private property. For the last year and a half our neighbours have parked their motor home within five feet from the south side of our home. Due to the length and height of this vehicle the rooms facing south in our home are completely blocked from sunlight from November to January, not to mention just plain daylight the rest of the time. The vehicle is also located mere inches from our fence on our property line making it vertually impossible to obtain access to the fence for maintenance or repairs.

The lack of light and the inconvenience are not the only issues to be addressed. This vehicle is rarely used so it provides us with little relief from this situation not to mention the invasion of our privacy as they tend to spend time in the motorhome where it sits, giving them a clear view into the windows of our home .

It is our opinion that recreational vehicles should be used for their intended purpose, the enjoyment of the owner, in the proper environment , not in a local driveway where it becomes an intrusion in the daily lives of others . These vehicles may provide vacation enjoyment to those who own them for a week or so a year but they represent a daily source of aggravation for those who are inconvencienced by having these oversized vehicles parked in their faces for the rest of the year.

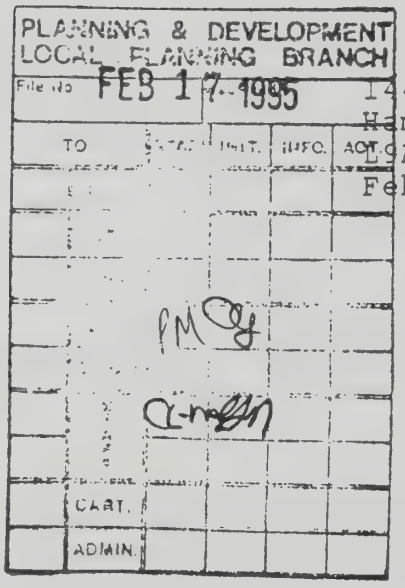
Yours Truly,

J. Rombouts

John & Anna Rombouts
89 Kenora Ave. Hamilton, Ont.
L8E 1C3

APPENDIX A 1

FEB 17 1995




144 David Avenue,
Hamilton, Ontario,
L9A - 3V5,
February 15, 1995.

Mr. Victor Abraham
Director of Local Planning
Hamilton City Hall
71 Main Street, West,
Hamilton, Ontario,
L8N - 3T4.

Dear Sir:

Enclosed please find a few suggestions which, I hope you will find beneficial in amending the By-Law 83-66 section 18A(15) with regards to "Recreational Vehicles" being permitted to park in residential Zones.

(1) Amend By-Law 83-66 section 18(15).

Add definition of a "Recreational Vehicle" and revising the off street parking section for the residential zones to permit recreational vehicles to park on private property with <u>restrictions.</u>

(2) Make a new By-Law <u>specifically</u> for "Recreational Vehicles"

"Recreational Vehicles" shall mean any mobile sleeping accommodation, either self propelled or designed to be towed or carried and shall include such vehicles as: motor homes, travel trailers, tent trailers, fifth wheels, truck campers and boats.

Clause (1) This clause gives a brief explanation of what the amending law should contain.

Clause (2)

For Enforcement Purposes: It is beneficial to set out a definition of a "Recreational Vehicle".
I would recommend the definition would include all forms of mobile sleeping accommodation away from home.

APPENDIX A 2

(2)

Clause (3) This By-Law revision incorporates existing and proposed regulations for "Recreational Vehicles", Boats and Accessory trailers, made by a Registered Recreational Manufacturer in the following manner.

(A) "Recreational Vehicles" are being allowed to park in an enclosed garage or in a rear yard.

"Recreational Vehicles will be permitted to be parked in a side yard area, providing that the recreational vehicle does not park closer than 1.9 m (4') from the side lot line and does not obstruct access to or from the required off street parking space.

"Recreational Vehicles" when parked in the side yard must be set back from the front wall of the buildings.

"Recreational Vehicles" may not occupy or obstruct the access to or from the required off-street parking space of a dwelling unit.

Whenever a "Recreational Vehicle" is parked in a side yard, such vehicle must be parked on a paved portion of the property.

"Recreational Vehicles shall be backed into the area for easy egress.

This by-law also prohibits any "Recreational Vehicle" from being used as living quarters while parked on a residential property.

(B) "Boat" Regulations require that boats shall be parked in an enclosed garage or in a rear yard area,and not used as living quarters.

(C) "Accessory Trailers", etc. are being permitted to be parked or stored behind the front wall of the building with no lot line set-back distance.

With regards to Zoning by-law Section 18(15) there needs to be a deletion of:

Item (2) Delete "which exceeds 6.5 m in length."

Item (3) Delete "which is equipped with dual wheels or tandem axles."

(3)

In Zoning by-law 89-72 also Delete:

Item (B) Delete "which exceeds 21' (6.5 m) in length."

Item (C) Delete "which is equipped with dual rear wheels or tandem rear axles."

One other point I would like to make:

Persons who are directly affected with a "Recreational Vehicle" being parked improperly are the only ones who should be able to, after showing just cause, complain to the City Planning Dept. for follow up procedures.

These are a few comments which if you could incorporate into the amended by-law would alleviate a lot of unforeseeable problems if the by-law were to be left as it is.

I feel that most complaints were due to Recreational Vehicles being parked in areas in front of homes blocking neighbours views,or being unsightly units or jealous neighbours trying to get at each other.

Once the By-law is amended I am sure the amount of complaints will be to a minimum and there should be a lot of HAPPY CAMPERS.

Respectfully submitted

Milton A.R. Strong

Milton A.R. Strong

FEB 28 1995

*DON VALLEE*
*1162 West 5th Street*
*HAMILTON, Ontario*
*L9B 1J6*
*(905) 383-4980*

*February 20, 1995*

*Hamilton City Hall*
*71 Main Street West*
*HAMILTON, Ontario*
*L8N 3T4*

*Attention: Mr. V. Abraham*
*Director of Local Planning*

*Dear Sir:*

*As you are aware, I was one of the 75 people that were ordered to remove my R.V. from my lot, due to one person making the complaint.*

*In reply to the meeting on R.V. units held on January 10, 1995 at City Hall. I would like to see option #3 implemented with a few changes made to it. This is to help settle this situation and to be fair to every taxpayer. As we all say we have our rights - true. So now lets be fair and equal to all.*

*I would like to recommend: Option #3 without restrictions and with the following changes:*

1) *All trailers must be 1.2m from front lot line.*

2) *Recreation vehicles must not replace automobile parking in driveways.*

3) *If problems arise over a R.V., neighbour on both sides must make complaint and a committee from City Hall will investigate to see if the R.V. should be removed.*

4) *We have our rights as a taxpayer. This is our recreation and we are not costing city or taxpayers any further cost. The city and taxpayers provide city property, upkeep and security for other recreational activities such as swimming, golf, baseball, football, lawn bowling, hockey, soccer, tennis, and areas such as playgrounds and parks.*

   *All the R.V. owners are asking for is to park our own trailers on our own property for security. If we are not permitted to do so, the city should provide trailer parking fields with security, subsidized by the City like everyone else's recreation.*

*Thanking you in advance for your consideration of this proposal. Would you please see that each member on the Committee gets a copy (or any persons involved) of this letter.*

*Remaining*

*Yours truly,*

*D. Vallee* Don Vallee

APPENDIX A 3

*cc: Mr. F. D'Amico, Vice Chairman, Planning & Development*

FEB 28 1995

February 20, 1995

Hamilton City Hall
71 Main Street West
HAMILTON, Ontario
L8N 3T4

Attention: Mr. F. D'Amico
Vice Chairman, Planning & Development

Dear Sir:

As you are aware, I was one of the 75 people that was ordered to remove my R.V. from my lot, due to one person making the complaint.

In reply to the meeting on R.V. units held on January 10, 1995 at City Hall. I would like to see option #2 implemented with a few changes made to it. This is to help settle this situation and to be fair to every taxpayer. As we all say we have our rights - true. So now lets be fair and equal to all.

I would like to recommend: Option #2 with the following changes

1) 6 months, May 1 to October 31, each year you may park on your property in front driveway with no restrictions. Campers are continually going in and out for the six months.

2) R.V. must be kept back from Lot Line 1.2 metres so as to cause no obstruction to traffic.

3) No winter months parking unless the right criteria is met for all year (side and rear).

4) With the option to have a City Committee to check on your location for all year parking (front, rear, side)

5) A lot of retirees travel in winter months. To be allowed in winter months to bring your trailer for cleaning and loading a maximum of three days be allowed either way.

6) To stop neighbour problems by calling and reporting because you have a personal vendetta against them.

   a) You must have the neighbour on both sides of your property to make the complaint to have it removed

   b) Have two neighbours on both sides (4 in all) 2/3 must make the complaint to have it removed.

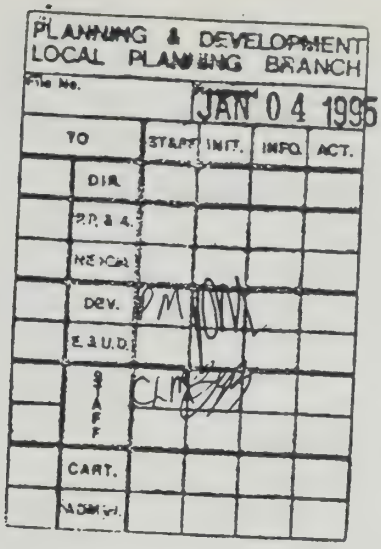
Thanking you in advance for your consideration of this proposal. Would you please see that each member on the Committee gets a copy (or any persons involved) of this letter.

Remaining

Yours truly,

D. Vallee Don Vallee

cc: Mr. V. Abraham, Director of Local Planning




Verbal Request Jan. 31, 1995 to include in May 1995 Report as a submission

January 2, 1995

J.W. Young
1745 Upper James St
Hamilton, L9B 1K7

Secretary
Planning and Development
Committee

Regarding proposed R.V. by-law change, I feel option 3 should be considered due to increase numbers of R.V. etc. in use now as compared to when original by-law was passed. Several other points to consider are listed below if a restrictive by-law is to be used.

1. Some small businesses take vehicles home as a matter of combating vandalism in the industrial, commercial areas. We can no longer afford insurance for contents of service vehicles. Small business is now the heart of new jobs and people providing for themselves.

2. Large majority of people you are going to affect cause no problems to their neighbours or the community.

3. Consideration of where a vehicle is parked, example: a trailer parked 10 ft off the street may be a visual nuisance but parked 10 ft behind a residence may bother no one.

4. By-law should state it is only enforced on complaints from direct neighbours within a stated distance such as 50 ft each way.

5. To eliminate multiple complaints such as the fiasco of 75 or 100 owners being harassed, it should have to be a formal written complaint along with a cash deposit for each violation of maybe $100. This would leave by-law officers free to contend with more pressing matters.

6. With noise by-laws, road restrictions as to vehicle weight, etc surely we have enough ways to control the odd problem that may appear.

7. Public notice in the Spectator should have been highlighted as to contents as many R.V. owners probably did not read far enough to realize the effect on them.

APPENDIX A4

Remember when voting on this issue many members have previously been in favour of putting 300 buses or a department of works yard in residential areas. However, if we want public transit and many other services we may have a little inconvenience.

Sincerely

Jim Young

c/c: Henry Merling
Don Dury
Jim Poling

2.

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 April 25
CI-94-E

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* City Initiative 94-E, Lodging Houses

*RECOMMENDATION:*

1. That approval be given to City Initiative 94-E for a general text amendment to Zoning By-law No. 6593 with respect to the definitions of "lodging house", "hostel", "residential care facility", "short-term care facility" and "tourist home" on the following basis:

   (a) That Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 be amended by deleting the existing definition of "lodging house" and replacing it with the following:

   "**Lodging House**" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

   i) a hostel;
   ii) a hotel;
   iii) a public or private hospital;
   iv) a nursing home;
   v) a home for the aged or a home for elderly persons;
   vi) a tourist home;
   vii) a residential care facility; and,
   viii) a short-term care facility.

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

(b) That Subsection 2.(2)A.(x) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

**"Hostel"** shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital;

(c) That Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 be amended adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

**"Hotel"** shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel;

(d) That Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

**"Residential Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged;

(e) That Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

**"Short-Term Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

(f) That Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

**"Tourist Home"** shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less that a week at one time, except a lodging house, hotel or private hospital.

2. That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

3. That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 respecting the definitions of "lodging house", "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home".

The effect of the By-law is to change the definition of "lodging house" to ensure consistency between the City of Hamilton licensing by-law and zoning by-law by excluding lodging houses from those facilities that are licensed, approved or supervised under a general or special Act other than the Municipal Act. In addition, the definition of "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home" are amended to clarify that these uses are not a "lodging house".

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Planning and Development Committee, 5 April, 1995

Planning and Development Committee, at their meeting of April 5, 1995, authorized Planning staff to hold a Public Meeting regarding "Lodging Houses" and that appropriate public notice be given.

Planning and Development Committee, 5 October, 1994

Planning and Development Committee at its meeting of October 5, 1994, approved the following:

> "That the Planning and Development Department be directed to review the definition of a lodging house and associated definitions in Zoning By-law No. 6593 in light of the recommendations of the Roomers and Boarders Task Force."

Roomers and Boarders Task Force

The Roomers and Boarders Task Force recommended that the definition of Lodging House in Licensing By-law No. 93-069 and Zoning By-law No. 6593 be changed to conform with the Ontario Fire Code definition of Lodging, Boarding and Rooming houses.

The Ontario Fire Code, Section 9.3.1.1.(1)(b) & (c) defines a lodging house as follows:

> "This section applies to boarding houses, lodging houses, rooming houses and private rest homes in which residents, because of age, mental or physical limitations, do not require care or treatment, where:
> b) lodging is provided for more than 3 persons in return for renumeration or the provision of services or both and;
> c) lodging houses do not have bathrooms and kitchen facilities for the exclusive use of occupants."

The Roomers and Boarders Task Force developed a revised definition of "lodging house" to ensure that unregulated facilities which operate in a manner similar to that of a lodging house, but are not presently licensed as a lodging house, would become subject to the provisions of the City's licensing by-law.

Licensing By-law

The City of Hamilton licensing by-law has been amended to incorporate the definition of lodging house developed by the Roomers and Boarders Task Force. The revised definition of lodging house was adopted by Council at its meeting of September 27, 1994. The revised definition of "lodging house" for the licensing by-law, as adopted by Council, is:

> *"lodging house" means a nursing home and any house or other building or portion thereof in which four or more persons are harboured, received or lodged for hire, and where lodging rooms are without kitchen facilities for the exclusive use of the occupants, but does not include a hotel, hospital, nursing home, home for the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under a general or special Act other than the Municipal Act.*

This definition is based on the definition of lodging house as contained in Section 207 of the Municipal Act. It would regulate lodging house operations with or without in-room cooking facilities that cater to senior citizens but are not licensed as either a nursing home or a residential care facility.

Zoning By-law No. 6593

The existing definition of lodging house in Zoning By-law No. 6593 is:

> *"a dwelling in which four or more persons are lodged for gain, with or without food and without separate cooking facilities, by the week or more than a week and which is licensed as a lodging house."*

A dwelling is defined in the zoning by-law to mean a single family dwelling, a two family dwelling or a three family dwelling.
Under the provisions of Zoning By-law No. 6593, a lodging house is a permitted use, subject to the applicable regulations, in the following Districts:

| NUMBER OF LODGERS | ZONING DISTRICT |
|---|---|
| Maximum 6 Lodgers | "D", "DE", "DE-2", DE-3 and "G" Districts |
| Maximum 20 Lodgers | "E", "E-1", "E-3" and "I" Districts |
| Maximum 50 Lodgers | "G-2", "H" and "I" Districts |
| Maximum 50 Lodgers (With Commercial) | "CR-1", "CR-2" and "CR-3" Districts |

In addition, the Zoning By-law permits a "family" to have a maximum of three lodgers as of right in the same dwelling unit as that occupied by the family.

***REVISED DEFINITION:***

The Roomers and Boarders Task Force recommended that the definition of "lodging house" in the Zoning By-law be revised to ensure consistency between the licensing by-law and the zoning by-law regarding what constitutes a lodging house. The zoning by-law establishes the following criteria to determine whether or not a building is a lodging house:

i) rooms are rented to at least four persons;
ii) the rooms are rented for gain;
iii) the rooms are rented for at least one week at a time;
iv) the dwelling is without separate cooking facilities; and,
v) dwelling is licensed as a lodging house.

The revised definition of "lodging house" in the licensing by-law as adopted by Council establishes the following criteria in determining if a use is a "lodging house":

i) the use is located in a nursing home, any house or other building or portion thereof;
ii) four or more persons are harboured, received or lodged for hire;
iii) lodging rooms are without kitchen facilities for the exclusive use of the occupants; and,
iv) if the use is licensed, approved or supervised under a general or special Act other than the Municipal Act as a hotel, hospital, nursing home, home for the young or the aged or institution, then the use is not a lodging house.

This revised definition of "lodging house" in the licensing by-law differs from the existing definition in the zoning by-law as follows:

i) permits lodging house operations in any building, nursing home or portion thereof in addition to any house or dwelling;
ii) does not distinguish between profit making and non-profit lodging house operations (i.e. not "rented for gain");
iii) does not make any distinctions based on the length of time a room is rented; and
iv) permits cooking facilities in rooms provided that the cooking facilities are not located in separate kitchen facilities.

The existing definition of "lodging house" in the zoning by-law is limited to dwellings where persons are lodged for gain and excludes those units where cooking facilities (eg microwave oven, hot plate) are provided in the room (by either the landlord or the tenant). Where cooking facilities are provided, then the unit is considered to be a "housekeeping unit".

Based on the existing definition of "lodging house", if the rooms are rented on a non-profit basis (eg Ronald McDonald House) then such a facility would not be a lodging house. In these situations, these units would not be subject to the regulations for lodging houses.

The existing definition in the zoning by-law does not include non-profit operations or lodging house facilities located in a building other than a dwelling as defined by the zoning by-law. As such, a revised definition of lodging house was developed.

On the basis of the foregoing, the following definition was developed in consultation with the Building Department:

> "**lodging house**" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for renumeration or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:
>
> a) a hostel;
> b) a hotel;
> c) a public or private hospital;
> d) a nursing home;
> e) a home for the aged or a home for elderly persons;
> f) a tourist home;
> g) a residential care facility; and,
> h) a short-term care facility
>
> where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

In addition, it is necessary to amend the definitions of hostel, hotel, residential care facility, short-term care facility and tourist hotel to clarify that they are distinct and different uses from a lodging house.

*COMMENTS:*

1. The City Initiative would not conflict with the intent of the City of Hamilton Official Plan.

2. The City Initiative can be supported on the following basis:

   - It would not conflict with the intent of the Official Plan;
   - It implements the recommendations of the Roomers and Boarders Task Force which has been adopted by Council; and,
   - It is consistent with the definition of "lodging house" in the Licensing By-law.

3. The report has been prepared in consultation with the Building Department. In this regard, the Building Department supports the revised definition.

*CONCLUSION:*

On the basis of the foregoing, City Initiative 94-E can be supported.

SR/sr
CI94-E.2nd

4(a)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 April 26
DA-95-12
Lisgar Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
of the Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Site Plan Control Application DA-95-12 for a 100 unit multiple dwelling project at 1355 Limeridge Road East.

***RECOMMENDATION:***

That approval be given to Site Plan Control Application DA-95-12 by Urbacore Management Limited, prospective owner of lands known as 1355 Limeridge Road East, as shown on the attached map, for development of a 100 unit multiple dwelling project, subject to the following:

i) modification to the site plan in regard to the location of building forms along Upper Kenilworth Avenue and Limeridge Road East to the satisfaction of the Director of Planning;

ii) modifications to the building elevations to the satisfaction of the Director of Local Planning;

iii) modification to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans and incorporation of comments from the Building and Traffic Departments;

iv) submission of a revised grading plan to the satisfaction of the Manager of Development, Roads Department; and,

v) finalization of the Plan of Subdivision.

**BACKGROUND:**

Plans have been submitted for a 100 unit multiple dwelling project to be constructed at 1355 Limeridge Road East as located on the attached map. Approximately five different forms of structures have been used within the project.

Along both Upper Kenilworth Avenue and Limeridge Road East, individual unit driveways are provided in pairs with low fenced areas designating the outdoor space for each unit. The units on the interior side of these structures have their parking space designated in grouped common areas.

Another form of building unit located on the interior driveways of the site, provides individual driveway parking space in front of each unit. The unit has a front and rear door and a rear privacy area. At the end of some of these building blocks is a one floor unit designated as accessible for the handicapped.

The "fourplex" style of building has a grouping of four units, located adjacent to the north-west boundary of the site. There are seven of these structures with parallel parking spaces along the interior site driveway.

A "management centre" structure is located at the south east corner of the site and provides project services such as administration, meeting rooms, mail pick-up, etc. Two other mail shelters are also proposed.

The Details of Development are as follows:

| | | |
|---|---|---|
| • | Net Lot Area | 24,028 $m^2$ |
| • | No. of Units | 100 |
| • | Gross Floor Area | 9,556.33 $m^2$ |
| • | Building Height | 9 m +/-<br>1 and 2 storeys |
| • | No. of Parking (proposed) | 125 spaces |
| • | Loading Spaces | 1 @ 18.0 m long |
| • | Landscape Area | 15,128 $m^2$ |
| • | Building materials: | Brick, stucco and siding |

A number of play areas and sitting areas are provided throughout the development to serve the residents of the development in a variety of areas. The management building will provide administration and meeting rooms, as well as laundry facilities and mail distribution.

Landscape plantings are designed throughout the site and along Upper Kenilworth Avenue and Limeridge Road.

**COMMENTS RECEIVED:**

- The Roads Department has indicated in the attached letter that a number of technical issues which should be resolved by a resubmitted grading plan. The Subdivision agreement must still be finalized before development proceeds.

- The Building Department has verbally advised that a number of issues are to be clarified and the plan must address by-law requirements.

- The Traffic Department has verbally advised that a number of concerns exist in parking design and layout.

***COMMENTS:***

The applicant has met with staff to discuss the project design and proposed building forms and their locations on the site. The project has located four structures with individual units facing Upper Kenilworth Avenue. Concern has been expressed regarding the streetscape affect of the overall form of the proposed buildings and their elevations. The Department has recommended to the applicant the use of the "fourplex" design of structures adjacent to the streets to create

open spaces in the building forms for an improved street appearance within the urban fabric of the adjacent residences. The applicant has indicated that the building forms throughout the project have been evaluated thoroughly in the context of the adjacent uses and the submitted plans in their consideration is the most appropriate. The Department still considers that an alternate building form should be provided along the streets.

The applicant has agreed to discuss the building elevation design further. An alternate design has been submitted as attached with a comparison to the original design, but should be discussed further, to the satisfaction of the Director of Local Planning.

Various modifications are required to the plans to notes, dimensions, fencing and landscaping and have been marked in red on the plans. The Plan of Subdivision and the Agreement is being processed.

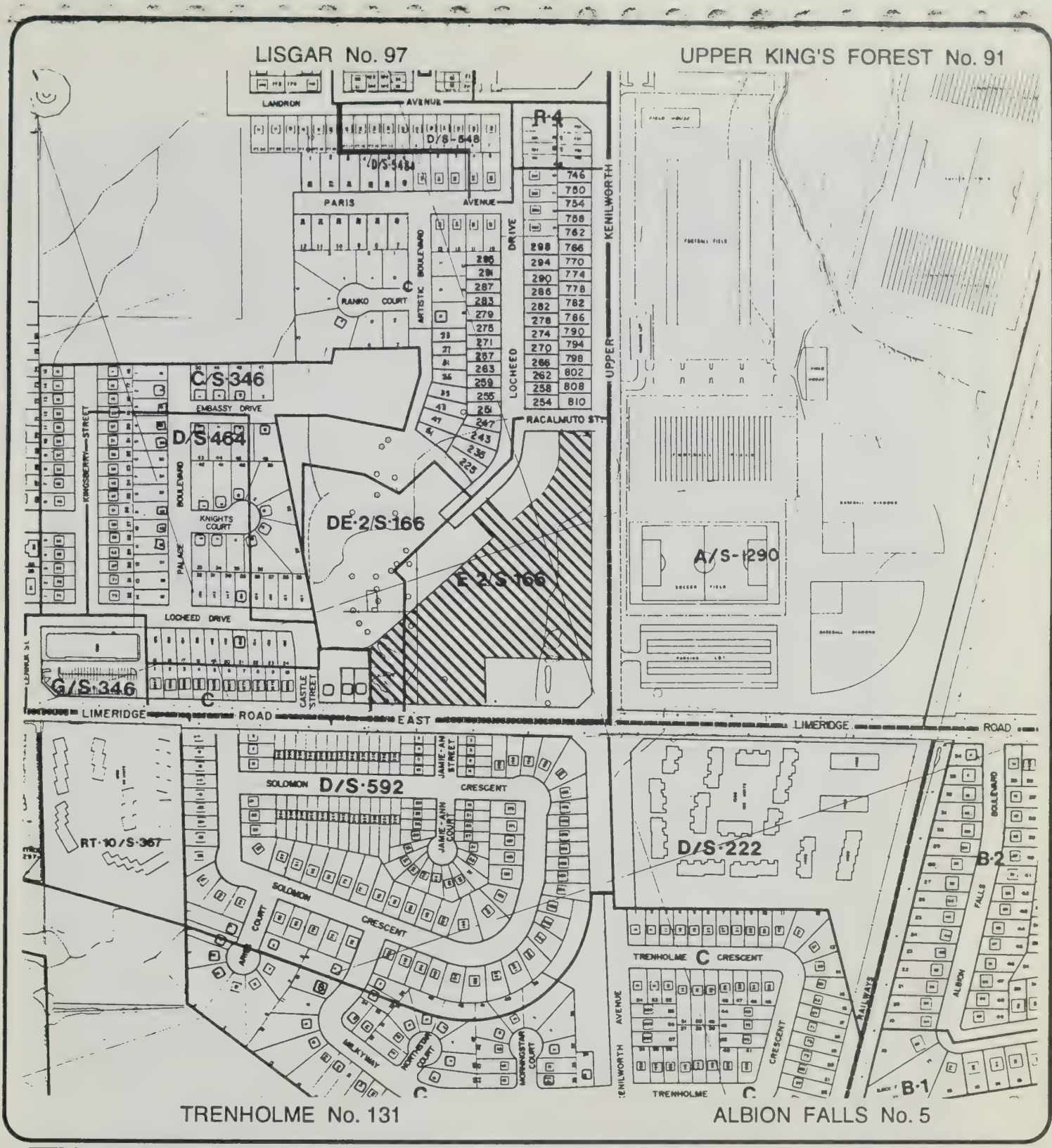
Comments from the Building and Traffic Departments have not as yet been received. Preliminary verbal comments have indicated required clarification and modification to building yards and separation distances, parking/manoeuvring locations, parking orientation and management centre use. The project design must include the final comments from those departments.

***CONCLUSIONS:***

The building forms and elevations along Upper Kenilworth Avenue and Limeridge Road East should be modified to provide a residential character streetscape.

Final comments from the Building and Traffic Departments must be incorporated in the final plans.

jps/:DA95-12.r




City of Hamilton

Plan Showing Lands Subject to

# Site Plan Control Application DA-95-12

Planning and Development Department

Legend

Site of the Application

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | DA-95-12 |
| | Date | Drawn By |
| | APRIL 1995 | Z. K. |

ARCHITECTS

M. CALLUM
MOKRYCKE
SATHER

# WISEMOUNT FOREST



**ORIGINAL DESIGN** • VIEW AT COURTYARD

ARCHITECTS

McCALLUM
MOKRYCKE
SATHER

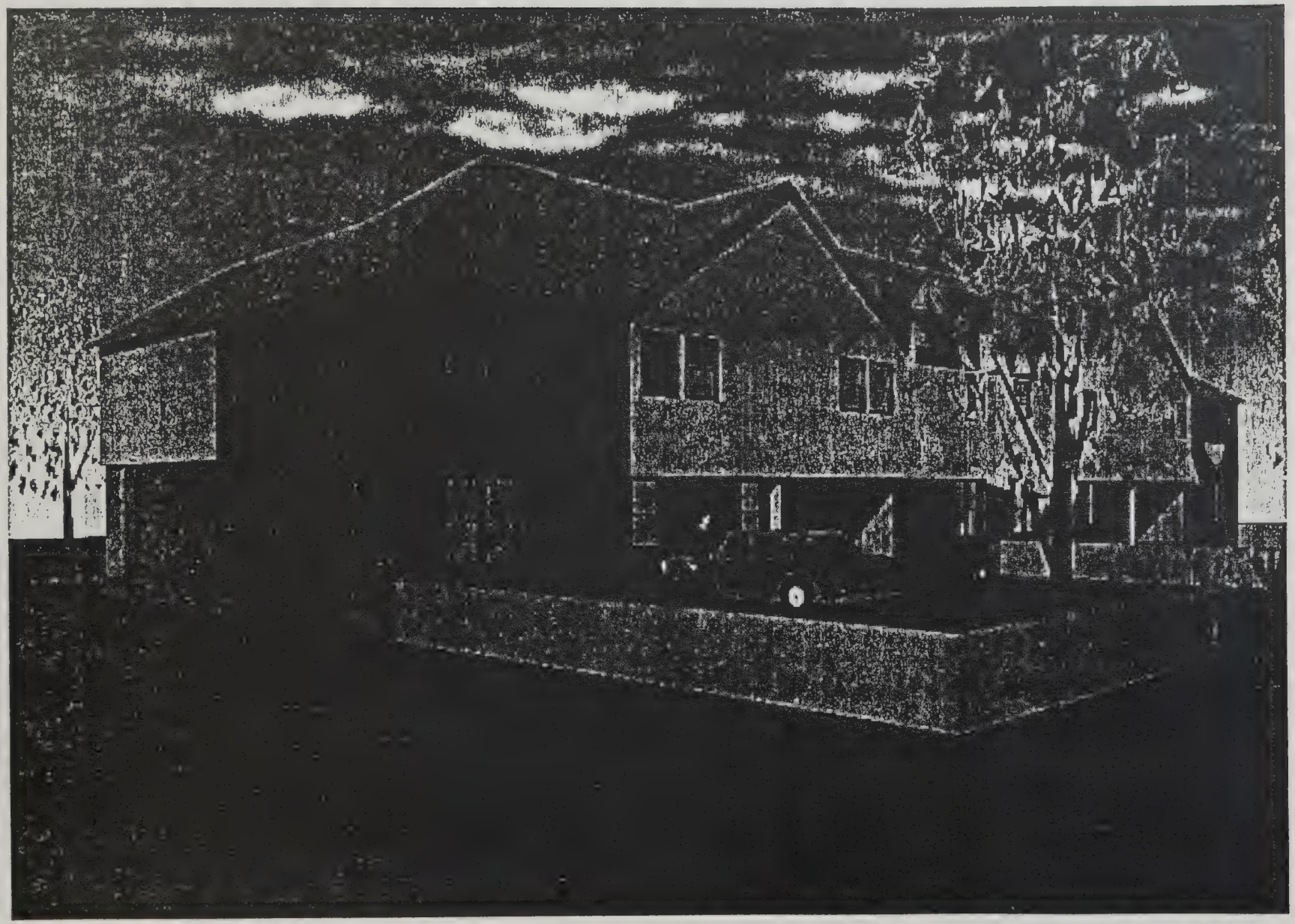
# WISEMOUNT FOREST



**PROPOSED ALTERNATE** • VIEW AT UPPER KENILWORTH AVENUE

ARCHITECTS
McCALLUM
MOKRYCKE
SATHER

# WISEMOUNT FOREST



**ORIGINAL DESIGN** • VIEW AT UPPER KENILWORTH AVENUE

McCALLUM
MOKRYCKE
SATHER
ARCHITECTS

# WISEMOUNT FOREST



**PROPOSED ALTERNATE** • VIEW AT COURTYARD

4(b)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 April 25
4498

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Bill 163 - Amended Planning Act and Comprehensive Set of Policy Statements

*RECOMMENDATION:*

1. That Council endorse the "complete application" process including pre-consultation and the use of the "complete application" form established by the Planning Department in regard to development approvals processing as required by the Planning and Municipal Statute Amendment Act;

2. That Planning staff be authorized and directed to prepare the appropriate "complete application" forms and, accordingly, revise processes and procedures for Official Plan Amendments, Zoning By-law Amendments, Site Plan Control Applications and Condominium Conversions in accordance with the provisions of the Planning Act, as amended by the Planning and Municipal Statute Amendment Act, including prescribed information as stipulated in the relevant Regulations and the other information and material required to review all development applications;

3. That the City of Hamilton, on behalf of the Region, give notice and hold the formal public meeting with respect to Draft Plans of Subdivision;

4. That the City Solicitor be directed to prepare a by-law incorporating the necessary amendments to the procedural By-law under Section 105 and 106 of the Municipal Act which delegates the responsibility for holding public meetings to the Planning and Development Committee to include responsibility for public meetings on subdivision

applications;

5. That the City Solicitor be directed to prepare a by-law defining the components of a "complete application" form in accordance with the Planning and Municipal Statute Amendment Act;

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

As the Province has yet to issue all of the proposed regulations in accordance with the revised planning system, it is difficult for staff to accurately quantify the cost/savings of implementing the amended Planning Act. However, given the increased requirements, responsibilities and complexities of the legislation and policies, there could be increased costs for all municipalities, including the City of Hamilton.

In addition, the province has amended the parkland dedication sections of the Planning Act. Prior to Bill 163, the Planning Act enabled municipalities to collect the 5% cash-in-lieu payment in two stages. The cumulative effect was that the 5% fee was based on the market value of the land as of "**the day before the issuance of the building permit**". The amendments to the Planning Act eliminate the second collection stage and set out the date for valuing the 5% fee as of "**the day before the day of draft plan approval**". The net effect of this change in the valuation date is an estimated reduction in the amount of money collected by the City of the 5% fund to about one half of that previously collected. Therefore, there will be a significant decrease in cash-in-lieu contributions to the City of Hamilton. As such, staff will investigate, monitor and report back to Council on the financial implications of Bill 163 as additional information becomes available.

*BACKGROUND:*

On March 28, 1995, Bill 163 was proclaimed into law and is now known as the"New" Planning and Municipal Statute Amendment Act. Work on the new Planning Act commenced on June 6, 1991 with the appointment of the Commission on Planning and Development Reform in Ontario, chaired by John Sewell and commonly known as the Sewell Commission. The Commission was asked to recommend changes to the Planning Act and related policy that would:

- restore confidence in the integrity of the planning process;
- protect public interests;
- better define roles and relationships;

- focus more closely on protecting the natural environment; and,
- make the planning process more timely and efficient.

The Commission presented its final report in June, 1993 including 98 recommendations along with a new set of provincial policy statements and a set of proposed legislative amendments. Underlying the new planning system are a series of changes which strengthen the Planning's role, strengthen environmental protection and streamline the planning approvals process. The new system is based on a provincial policy-led approach rather than a reactionary development proposal approach. Being led by policy, means the emphasis is on the preparation of an Official Plan to guide the planning and development with involvement by all stakeholders very early in the process. This new approach is intended to lead to better and faster planning and development approvals, while recognizing the diversity of municipalities across the Province.

Put simply, the new planning system or framework means that the Province sets policies, Local municipalities make decisions on planning and development matters, and the Ontario Municipal Board resolves disputes that cannot be resolved through alternative means at the municipal level.

On May 18, 1994, several tools were introduced to implement planning reform as part of Bill 163 including:

- legislative amendments and associated regulations;
- a Comprehensive Set of Provincial Policy Statements and associated implementation guidelines; and,
- a series of non-legislated streamlining initiatives including pre-consultation, co-operative review of applications, and alternative dispute resolutions such as mediation.

Bill 163 was given Third Reading on November 28, 1994, received Royal Assent on December 8, 1994, and, as noted previously, the Bill came into force and effect on March 28, 1995. A comprehensive summary of the amendments to the Planning Act is available from the Secretary to the Planning and Development Committee.

## SECTION 2.1 - COMPREHENSIVE SET OF POLICY STATEMENTS

The "Comprehensive Set of Policy Statements" (CSPS) came into force on March 28, 1995, and municipalities in exercising any authority that affects planning matters "**shall be consistent with**" the policies. The scope of the CSPS are wide-reaching, are intended to provide for greater environmental protection and address a number of new municipal planning policy concerns as identified by the Province. The CSPS were prepared with the view that the planning system in Ontario should be based on a provincial policy-led approach with the municipal Official Plan being the key mechanism.

There are six major areas in the CSPS and specific goals are as follows:

A) NATURAL HERITAGE, ENVIRONMENTAL PROTECTION AND HAZARD POLICIES

Goal #1: To protect the quality and integrity of ecosystems, including air, water, land, and biota; and, where quality and integrity have been diminished, to encourage restoration or remediation to healthy conditions.

Goal #2: To ensure that wetlands are identified and adequately protected through the land use planning process and to achieve no loss of provincially significant wetland.

Goal #3: To ensure that development is not permitted in areas where site conditions or location may pose a danger to public safety or public health or result in property damage; and to encourage a co-ordinated approach to the use of land and the management of water in areas subject to flooding in order to minimize social disruption.

B) ECONOMIC, COMMUNITY DEVELOPMENT, AND INFRASTRUCTURE POLICIES

Goal: To mange growth and change to foster communities that are socially, economically, environmentally, and culturally healthy, and that make efficient use of land, new and existing infrastructure, and public services and facilities.

C) HOUSING POLICIES

Goal: To provide opportunities in each municipality for the creation of housing that is affordable, accessible, adequate and appropriate to the full range of present and expected households in the housing market area.

D) AGRICULTURAL LAND POLICIES

Goal: To protect prime agricultural areas for long-term agricultural use.

E) CONSERVATION POLICIES

Goal: To encourage energy conservation, water conservation, and the reduction, re-use and recycling of waste.

F) MINERAL AGGREGATE, MINERAL AND PETROLEUM RESOURCES POLICIES

Goal #1: To ensure all parts of Ontario possessing mineral aggregates, an essential non-renewable resource to the overall development of any area, share a responsibility to identify and protect mineral aggregate resources and legally existing pits and quarries to ensure mineral aggregates are available at a reasonable cost as close to markets as possible to meet future local, regional, and provincial needs.

Goal #2: To protect mineral and petroleum resource operations, deposits of minerals and petroleum resources, and areas of potential mineral and petroleum resources for resource use.

There are a total of 54 policies contained in the CSPS. Within each major policy area there are a number of specific policies providing further policy direction that municipalities "**shall be consistent with**" in exercising any planning authority. A number of these polices were already in effect prior to the introduction of Bill 163 in the form of Provincial Policy Statements (i.e.

Land Use Planning for Housing, Wetlands, Mineral Aggregates, and Flood Plains). Other policies now contained in the CSPS previously had status as Ministry guidelines and "best practices" and have now been elevated to a formal legal municipal planning policy context.

The Ministry of Municipal Affairs in early April released the Implementation Guidelines for the CSPS. Totalling close to 600 pages, the Implementation Guidelines are advisory and suggest approaches to implementing the policies through the land use planning process. Planning staff attended a workshop at which time provincial staff provided additional information on the implementation of the CSPS.

## SECTION 2.2 - CHANGES TO THE PLANNING ACT

On March 28, 1995, the Planning Act parts of Bill 163 were proclaimed. The amendments to the Planning Act are intended to create a "front-end tilt" whereby planning will be a policy led system in accordance with the Comprehensive Set of Policy Statements (as discussed previously). In addition, the revisions to the Planning Act are intended to streamline the process by setting specific time-frames for decision making on planning applications.

The major features of the planning reform package are:

i) an expanded "**purpose of planning**" section;

ii) an expanded list of "**provincial interests**";

iii) all decisions, approvals and comments regarding development applications "**shall be consistent with**" the Comprehensive Set of Provincial Policy Statements, which replaces the previous requirement that municipalities "have regard to" provincial policies;

iv) contents of Official Plans will be prescribed by Regulation (eg goals, objectives, population and employment targets and phasing);

v) prescribed information for all applications is identified by Regulation and municipalities may require additional information as part of the "**complete application**";

vi) specific time frames and notice requirements have been established for decisions on all planning and development applications (eg a public meeting on a rezoning application is to be held within 90 days of receipt of a "**complete application**");

vii) early involvement (i.e. **pre-consultation**) with agencies and the public is encouraged;

viii) a public meeting must be held prior to a decision being made on subdivision applications;

ix) the referral period for Local Official Plan Amendments (OPA) is restricted to a specified period (30 days);

x) there is increased emphasis on early involvement by the public because the approval authority or the Ontario Municipal Board may dismiss the appeal if a person or public body elected not to make a written or oral submission prior to Council's decision on the OPA;

xii) alternative dispute resolution mechanisms (i.e., mediation) are encouraged by approval authorities to avoid OMB hearings.

The incentive for proponents to partake in the preconsultation process and comply with all of the information requirements contained in the **"complete application"** package is that Bill 163 reduces the time frames for processing development applications once an application has been deemed to be "**complete**". The revised time frames are outlined in a series of flow charts available from the Secretary to the Planning and Development Committee.

SECTION 3.1 - IMPLICATION OF CSPS ON THE HAMILTON OFFICIAL PLAN

As the Province envisages the municipal Official Plan as the key mechanism in this new system of municipal planning, the policies in the Hamilton Official Plan will have to be revised and updated "**to be consistent with**" the scope and intent of the CSPS. The scope or extent of the changes required to the Hamilton Official Plan are difficult to ascertain at this point in time as the Implementation Guidelines have only been in the public domain for a short period of time. Personal contact with respective Provincial Ministry staff over the coming months will provide more thorough clarification on the expectations and the appropriate municipal response to the requirements presented by the CSPS. At a minimum, the tone and direction contained in 54 policies of the CSPS suggest that the Hamilton Official Plan will be a document that provides more clearer and definitive parameters for future development and redevelopment in the City.

This new importance on the Official Plan in municipal planning was anticipated in the context of preparing Hamilton's new Official Plan. With the Implementation Guidelines for the CSPS now available and Provincial staff embarking on a consultation and education programme, Planning Department staff are now in a position to undertake the necessary background reports and studies to identify detailed implications in the CSPS on the Hamilton Official Plan.

## SECTION 3.2 - IMPLICATION OF CHANGES TO THE PLANNING ACT

### 3.2.1 "Complete Application"

In order to streamline the planning approvals process, applicants will be required to submit a **"complete application"** based on prescribed and required information. Prior to submitting an application, proponents will be encouraged to engage in a pre-consultation process whereby all relevant issues related to the proposal can be identified. Proponents will be required to investigate these issues prior to making an application. The revised Planning Act establishes reduced time-frames for processing applications. However, the attainment of these time-frames is contingent on the implementation of a **"complete application"** form whereby all relevant information is provided at the time the application is submitted. In addition, as the City of Hamilton is the approval authority for condominium conversions, a **"complete application"** form for condominium conversions is necessary. Copies of the new application forms are available from the Secretary to the Planning and Development Committee.

The **"complete application"** form will be used by all of the area municipalities in Hamilton-Wentworth in order to provide consistency in the planning process and facilitate development. The Region has advised that an Official Plan Amendment will not be accepted for approval unless the information requirements contained in the **"complete application"** form, as prescribed by Regulation and required by Provincial Policy, are complied with.

### 3.2.2 Pre-Consultation

Proponents of development will be required to submit all of the necessary supporting information at the time of application which will necessitate increased pre-consultation with applicants. This is part of the "**front-end tilt**" whereby issues will be identified up front. Prior to making an application for development or planning approvals, applicants will be encouraged to complete a "**Pre-Application Checklist**" and to attend a **Pre-Consultation Meeting** with Planning staff and staff from relevant City and/or Regional Departments and Provincial agencies. The Pre-Consultation process is intended to identify which amendments and/or approvals are required and what information will be required to make a "**complete application**". The pre-consultation form is available from the Secretary to the Planning and Development Committee.

### 3.2.3 Conveyance of Land for Park Purposes

The parkland dedication sections of the Planning Act have been revised such that only one dedication of parkland can be requested. Municipalities cannot require more than one parkland dedication in respect of the same development unless an increase in density occurs between the planning approval stage and the issuance of a building permit. If there is an increase in the density of development or if a commercial or industrial site is being redeveloped for other uses

then a subsequent parkland dedication can be requested.

Prior to the proclamation of Bill 163, it was City policy that where cash-in-lieu of parkland is required as a condition of draft plan approval or as a condition of consent (severance), the ultimate payment is calculated and collected prior to building permit issuance, with all previous payments or dedications credited against the required amount in accordance with Section 42(6) of the Planning Act. It is noted that only one parkland dedication or cash-in-lieu payment was requested, although two payments are made. The first payment, as a condition of draft approval, was credited towards the ultimate parkland dedication required which is collected at the building permit stage. Only one parkland dedication is being made, as opposed to a 5% parkland dedication as a condition of subdivision and a subsequent parkland dedication as a condition of rezoning or site plan approval. Parkland dedication was calculated based on the value of serviced land. The cumulative effect was that the 5% fee was based on the market value of the land as of "**the day before the issuance of the building permit**".

The amendments to the Planning Act eliminate the second collection stage and set out the date for valuing the 5% fee as of "**the day before the day of draft plan approval**". The net effect of this change in the valuation date is an estimated reduction in the amount of money collected by the City of the 5% fund to about one half of that previously collected. Therefore, there will be a significant decrease in cash-in-lieu contributions to the City of Hamilton. As such, staff will investigate, monitor and report back to Council on the financial implications of Bill 163 as additional information becomes available.

As a result of the proclamation of Bill 163, the cash-in-lieu payment will now be calculated based on the value of unserviced land. Therefore, the amount of money collected through cash-in-lieu will be reduced.

### 3.2.4 Zoning By-laws

The new comprehensive provincial policy statements are designed to provide greater environmental protection by restricting or precluding development in environmentally sensitive or significant areas. In order to allow for the effective implementation of these policies, Bill 163 amends the Planning Act to allow municipalities to utilize zoning by-laws to regulate the use of land associated with contaminated or sensitive areas, natural features and areas, or the site of significant archaeological resources. Specifically, municipalities will be able to pass zoning by-laws to zone land as "No Development" Zones to regulate the use of land associated with the following features:

- ground-water recharge areas and/or head-water areas;
- significant wildlife habitat;
- wetlands, woodland, ravine, valley or area of natural and scientific interest;
- significant corridor or shoreline of a lake, river or stream;
- significant natural corridor, feature or area;

- site of a significant archaeological resource; or,
- contaminated sites.

As part of the provincial initiatives to streamline the approvals process and reduce the backlog of OMB cases, Subsection 34(11) of the Planning Act has been amended to change the previous time frame of **30 days** for council to consider a request for a rezoning to **90 days**. However, in order to achieve the 90 day time frame it will be necessary for proponents to participate in the pre-consultation process and to submit a **"complete application"**.

### 3.2.5 Official Plan Amendments

The process for preparing and administering Official Plan Amendments has been streamlined and provides a clear remedy for applicants to refer amendments to the Ontario Municipal Board after a period of time. The key facets of the new process for Official Plan Amendments are as follows:

- Notice of a Public Meeting must be given within 90 days of the receipt of a **"complete application"**;
- If there is no Notice within 90 days, the applicant may request referral to the Region;
- A Public Meeting is to be held within 30 days of the notice
- A Public Meeting must be held within 120 days of receipt of a **"complete application"**;
- Council must render a decision within 180 days; and,
- If there is no decision within 180 days, the applicant may request referral to the Ontario Municipal Board.

These new time frames for Official Plan Amendments will not likely present a problem as the processing of amendments in Hamilton is usually significantly quicker than what is being legislated by the Province.

As previously noted, there is increased emphasis on early involvement by the public because the approval authority or the Ontario Municipal Board may dismiss the appeal if a person or public body elected not to make a written or oral submission prior to Council's decision on a proposed OPA.

The information requirements for a "**complete application**" are also required when an official plan amendment is submitted to the Region for approval or where a proponent is "bumping-up" a proposed OPA to the Region for approval (a Section 22(12) referral). All OPA's forwarded to the Region for approval must be accompanied by a completed "Application for Approval of an Official Plan Amendment" Form. The information and material required are identified in Ontario Regulation 42/95.

Ontario Regulation 42/95 establishes the mandatory information that must be provided along with the proposed official plan or plan amendment. If the mandatory information is not provided, the

Region will return the form and the official plan or plan amendment, or refuse to further consider the official plan or plan amendment until the prescribed information has been provided.

In addition, in order to ensure that the proposed OPA is consistent with provincial policy, the Region has identified additional information (eg. technical information or reports) required to assist in the planning evaluation of the proposed official plan or plan amendment. In the absence of this additional information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the proposed official plan or plan amendment may be refused.

The minimum information and materials required are:

- A certified copy of the by-law adopting the proposed official plan or plan amendment;
- A certified copy of the proposed official plan or plan amendment;
- An affidavit or sworn declaration concerning the requirements for giving of notice and the holding of at least one public meeting and the requirements for giving notice of adoption;
- A copy of the minutes of the public meeting;
- The original or copy of all written submissions and comments and when they were received;
- A list (in the form of an affidavit or sworn declaration) of all persons and public bodies that made oral submissions at a public meeting; and
- A copy of any planning report considered by council.

If the Council does not make a decision on an Official Plan Amendment within 120 days of receipt of the application, or if Council denies the proposed OPA, the proponent can request that the proposed OPA be referred to the Region for approval. A referral request must be accompanied by a completed referral form and all necessary information requirements before the Region will consider the referral request.

### 3.2.6 Subdivision and Condominium Applications

As a result of Bill 163, there are three main changes to the subdivision review process. First, Bill 163 establishes a time frame for decisions on applications for draft plan approval or condominium description. Approval authorities are required to make a decision on the proposed subdivision or condominium within 180 days of receipt of the application.

In keeping with the "front-end tilt" emphasis of Bill 163, a **"complete application"** is required for subdivision and condominium applications. The contents of these applications are set out in the revised Planning Act and have been prescribed by regulation. As the Region of Hamilton-Wentworth has been delegated approval authority, the Region will now require that all applications for draft plan approval or condominium description utilize the **"complete application"** form (copies of this form are available from the Secretary to the Planning and

Development Committee). However, as previously noted, the City of Hamilton is the approval authority for condominium conversions under the Rental Housing Protection Act. Therefore, a City of Hamilton **"complete application"** form for condominium conversions is necessary (copies of this form are available from the Secretary to the Planning and Development Committee).

The third major change is that the approval authority (ie the Region of Hamilton-Wentworth) must hold a formal public meeting before making a decision on the proposed plan of subdivision. A public meeting is not required for condominium applications. However, the approval authority may request the area municipalities to hold the public meeting on their behalf.

Regional Council, in accordance with Section 51(20) of the amended Planning Act, has requested that the local municipalities give notice and hold the formal public meeting with respect to Draft Plans of Subdivision and Condominiums. Furthermore, Regional Council has requested that the local municipalities submit all prescribed information required by Ontario Regulation 43/95 with respect to the notice and formal public meeting. As the City of Hamilton presently holds a public meeting prior to Councils's decision on a rezoning application, in those cases where there is also a proposed subdivision for the same lands, it would be appropriate to combine the two public meetings in order that the details of the rezoning and subdivision can be presented to the public at the same meeting and Council can consider all aspects of the proposed development concurrently. This is the current practise whereby the staff report on the proposed subdivision is presented at the formal public meeting for the proposed rezoning.

One procedural matter that needs to be dealt with is for Council to amend its By-law under Section 105 and 106 of the Municipal Act. The by-law which delegates the responsibility for holding public meetings to the Planning and Development Committee should include responsibility for public meetings on subdivision applications.

### 3.2.7 Minor Variances

The province originally proposed that where, at a minimum, one member of Council sits on the Committee of Adjustment, then any appeals of the Committee's decision would be dealt with by Council. The province has revised this section of Bill 163 such that the existing appeal mechanism to the Ontario Municipal Board (OMB) has been retained. However, the Planning Act has been amended such that the OMB may dismiss an appeal for the following reasons:

- the reasons for the appeal are not based on any planning grounds;
- the appeal is not made in good faith, is frivolous; or,
- is made only for the purpose of delay.

In addition, Subsection 45(14) of the Planning Act is amended so that the appeal period is now 20 days instead of 30 days to be consistent with the appeal period for zoning by-laws.

In conjunction with amendments to the Planning Act, Bill 163 amends the Municipal Act as part of a package of reforms entitled "Open Local Government". The "Open Local Government" reforms require that meetings be held in public and councils put procedural by-laws in place to direct how they will conduct their business. Only a limited number of concerns (ie property acquisition, personnel matters and litigation) are acceptable for discussion without the public present, and any final decisions must be made in an open public meeting. Council, at its meeting of April 25, 1995, adopted a by-law to amend the City of Hamilton Procedural By-law No. 82-203 to comply with the requirements of the Planning and Municipal Act and Statute Law Act, S.O. 1994.

### 3.2.8 Site Plan Control

The Province has amended the site plan control section of the Planning Act to allow upper-tier municipalities to require the conveyance of land for public transit rights of way. The conveyance of land will only be permitted where the public transit right of way is shown on or described in an official plan.

### 3.2.9 Consents (Severances)

Section 53 of the Planning Act is repealed and replaced with a new section to incorporate several streamlining measures. The streamlining measures are:

- The consent approval process now includes time frames for decisions (90 days);
- Contents of applications will be prescribed by regulation, setting out the minimum information requirements (a **"complete application"** will be required for consent applications); and
- There is a 14-day separation for the giving of notice of the application and public meeting for the making of a decision.

### 3.2.10 Tree Preservation and Site Alteration.

In addition to the Planning Act changes, Bill 163 amends the Municipal Act. New Section 223.2 of the Municipal Act provides municipalities of over 10,000 in population the power to pass by-laws regulating the cutting of any or all trees. Municipalities would be permitted to charge fees for issuing permits. Fines are established for contravention of by-laws passed under Section 223.2 and the courts will be able to order replanting. Furthermore, municipalities are also given the power to regulate by a by-law the dumping of fill through a permit process similar to the cut and fill regulations administered by conservation authorities.

***PLANNING COMMENTS:***

The package of planning reforms released by the Minister of Municipal Affairs represents the cumulation of the work initiated in 1991 by the Commission on Planning and Development Reform in Ontario. It is the intent of the Province to restructure and streamline the planning process by placing greater emphasis on provincial policy and delineating areas where development can and cannot occur. By doing so, there will be greater emphasis on upfront work in terms of special studies to justify proposed official plan amendments. Proponents of development will be required to submit all of the necessary supporting information at the time of application which will necessitate increased pre-consultation with applicants. In addition, the reforms to the Planning Act will require the public to become involved in the planning process prior to municipal approvals.

***CONCLUSION:***

Bill 163, in conjunction with the Comprehensive Set of Policy Statements, incorporates many of the recommendations of the Commission on Planning and Development Reform in Ontario. The legislative changes will affect the way that the planning system operates and are designed to streamline the planning process. It is the intent of the Province to reform the planning system from a development led process to a policy led process. Land use issues will be resolved at the Official Plan and Neighbourhood Plan preparation stage. However, there are elements of the planning reforms that appear to be counter productive to the Provincial streamlining initiatives and may in fact lengthen the planning approvals time frame. Notwithstanding this, Bill 163 has been proclaimed and, as such, Planning Department staff will be working with the Region and representatives from other departments and the development industry to implement the provisions of Bill 163.

KE/SR/sr
Report163

# CITY OF HAMILTON

5.

## - RECOMMENDATION -

**DATE:** 1995 April 24
(1-54/92.0)

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** P. Noé Johnson
City Solicitor

**SUBJECT:** Partial Reductions for Securities held with Respect to Site Plan Agreements

**RECOMMENDATION:**

(a) That reductions of security held under Site Plan Agreements be permitted to 50% of the total value of the work required; and,

(b) That reductions be dealt with on a request basis; and,

(c) That a Two Hundred Dollars ($200.) administration fee be levied by the Building Commissioner for each security reduction request; and,

(d) That reduction requests be reviewed and processed by the Building Department upon the production by the Applicant, at the Applicant's sole expense, of an Engineer's Certificate, satisfactory to the Building Commissioner, which indicates:

(i) what works are complete;

(ii) the percentage of the total value of the works under the Site Plan Agreement that have been completed to date; and

(iii) that the amount of security remaining with the City is sufficient to cover the rest of the work required under the Site Plan Agreement; and,

(e) That the City's standard Site Plan Agreement be revised accordingly; and,

(f) That the above changes to the City's Site Plan Policy be implemented so as to be retroactive to all Site Plan Agreements on a request by the Owner basis.

## FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The costs contemplated by this recommendation are to be recovered by the implementation of a user pay system.

## BACKGROUND:

The Planning and Development Committee at its meeting of 1995 March 8 adopted the following recommendation:

> "That Staff be directed to review the policy with regard to funds or partial reductions in Letters of Credit for Site Plan Agreements in order that expensive projects may be reduced in an equitable manner, and report back to the Committee with recommendations in this regard."

Further to the direction of the Committee, staff have met on several occasions and agreed that the above recommendations be made concerning the current City policy which does not allow for the reduction of security held under Site Plan Agreements. Currently, the City holds 75% of the total value of the works and facilities required under a Site Plan Agreement.

The recommendations proposed include a limit to the extent securities are reduced. It is recommended that securities not be reduced to a level less than 50% of the total value of the work required under the Agreement. This recommendation is based on past experience which has revealed that the possibility of a developer leaving an unfinished site greatly increases as the amount of securities on file with the municipality decreases.

One of the concerns in implementing a reduction process for securities is that of increased demands for staff time. In order to provide for a reduction of securities, a user pay system is recommended to ensure that flexibility is given to the development industry at a cost which is not borne by taxpayers in the community. The Two Hundred Dollar user fee reflects the estimated costs of the Treasury Department, ($50.), and Building Department, ($150.), to administer a reduction request.

AZ/js

cc A. C. Ross, City Treasurer
cc V. J. Abraham, Director of Local Planning
cc L. C. King, Building Commissioner

# CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1995 May 3rd
9:30 o'clock a.m.
Room 233, City Hall

## A. ADOPTION OF THE MINUTES

Minutes of the Planning and Development Committee:

(i) 1995 April 5

(ii) 1995 April 25

## B. BUILDING COMMISSIONER

(i) 661 Upper Wellington Street (referral back by City Council)

(ii) 12 Harrison Avenue

## C. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF LOCAL PLANNING

(i) Proposed Draft Plan of Condominium by Regal Castle Developments "Limeridge Condominium" - 870 Upper Wentworth Street

(ii) Authorization for Staff Attendance at Ontario Municipal Board Hearings - 149 Graham Avenue South, 138 Erie Avenue and 114 Royal Avenue

(iii) Zoning Application ZAR 95-16 - 1024 Upper Wentworth Street - Request for Removal of Holding Provisions (report to follow)

D. **SENIOR DIRECTOR - ROADS DEPARTMENT**

Final Lot Grading and Sodding Contract for Various Subdivisions during 1995

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

(i) 28-44 James Street North/5-21 King William Street (The Lister Block) - Referral to Conservation Review Board

(ii) Information Items

# CITY OF HAMILTON

## -RECOMMENDATION-

**DATE:** 1995 April 27

**REPORT TO:** Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **Information Items**

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 re Windermere Basin Study - Land Use Determination

(b) Information Report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 respecting Harbour Matters

(c) Information Report from the Director of Local Planning dated 1995 April 24 re Approved Site Plan Control Applications

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

A (i)

Wednesday, 1995 April 5
9:30 o'clock a.m.
Room 233, City Hall

**The Planning and Development Committee met.**

**There were present:**

Mayor R. M. Morrow
Alderman Don Drury, Chairperson
Alderman Frank D'Amico, Vice-Chairperson
Alderman Henry Merling
Alderman Fred Eisenberger
Alderman Geraldine Copps
Alderman Marvin Caplan
Alderman Bob Charters
Alderman William McCullough

**Also present:**

Alderman Mary Kiss
Alderman Domenic Agostino
J. Schatz, City Clerk
Victor Abraham, Director of Local Planning
Bill Janssen, Planning Department
Len King, Building Commissioner
Peter Lampman, Building Department
Brian Allick, Building Department
Donald Inglis, Building Department
Art Zuidema, Legal Department
Nina Chapple, Planning Department
Eugene Chajka, Transportation/Environmental Services
Roland Karl, Traffic Department
Ali Hassan
Paul Mallard, Planning Department

## PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. **Zoning Application 94-04, Investors Group, mortgagee in possession, for a change and modification in zoning for lands located at No. 370 Main Street East.**

The Committee was in receipt of a report dated 1995 March 29 from the Director of Local Planning respecting the above noted matter.

Paul Mallard of the Planning Department made a submission with respect to the proposal and stated that of 35 notices sent, 16 had been received in favour and 6 opposed.

Members of the public were then invited to speak.

Gerald Paltridge - 60 Emerald Street South (the premises next to the subject property) spoke in opposition to the proposal, citing lack of parking and asked if compensation would be paid if damage were done to his property or structure as a result of the demolition/development. Mr. Paltridge said he did not feel a seniors residence was appropriate in the area because of the halfway houses. Seniors would be easy prey for the panhandlers in the area and he cited cases of verbal abuse and persons improperly dressed.

Paul Workman of 34 Ontario Avenue advised the Committee that he was representing the Stinson Community Association and spoke of meetings with the developers.

Brian Hinkley, a resident of the area, spoke in support of the development stating that senior citizen apartments would actually be an asset to the area. He felt that the size

of the proposed development was a more appropriate size and requested that neighbours be given an opportunity to speak at the site plan stage.

Paul Mallard addressed a question respecting enforcement of the zoning and cited a precedent for enforcement. Roland Karl responded to questions regarding traffic parking requirements.

Alderman McCulloch advised the Resident's Association that a meeting would be held at the site plan agreement stage.

After discussion the Committee approved the following:

That approval be given to Amended Zoning Application 94-04, Investors Group, mortgagee in possession, requesting a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District, modified, for Block "1", and for a modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, for Block "2", to permit a seven storey mixed commercial and residential building, containing retail space on the ground floor and 50 senior citizen dwelling units on the second to seventh floors, for lands located at No. 370 Main Street East as shown on the attached map marked as Appendix "A", on the following basis:

(a) That Block "1" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "CR-2" (Commercial - Residential) District; and,

(b) That the "CR-2" (Commercial - Residential) District regulations as contained in Section 15B of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

(i) For the purpose of this By-law, a Senior Citizens' Dwelling Unit shall mean a separate set of living quarters, operated by a non-profit housing corporation which receives assistance under the National Housing Act or other non-profit housing programs, the purpose of which is to provide housing subsidies for qualifying senior citizens, and which shall include at least one room and separate kitchen and sanitary conveniences with a private entrance outside or from a common hallway or stairway inside; and,

(ii) Notwithstanding Sections 15B(14) and 15B(16), a mixed commercial and residential development shall be permitted with a total maximum gross floor area of 4,114 $m^2$ and shall include a Senior Citizens' Multiple Dwelling with a maximum of 50 Senior Citizens' Dwelling Units and a maximum residential gross floor area of 3,983 $m^2$, subject to the following special provisions:

1. Notwithstanding Section 15B(8)(b) no building or structure shall exceed 7 storeys or 22.4 m in height; and,

2. Notwithstanding Section 15B(9) the following minimum yards shall be provided and maintained for any residential use:

| | | |
|---|---|---|
| 1. | front yard (north lot line along Main Street) | 5.0 m |
| 2. | side yard (west lot line) | 0.0 m |
| 3. | side yard (east lot line along Emerald Street) | 0.0 m |
| 4. | rear yard (south lot line); | 4.5 m; and, |

3. Notwithstanding Section 15B(11)(b) a west side yard of 0.0 m may be provided and maintained for any commercial use; and,

4. Notwithstanding Section 15B(19) a minimum amenity area of 721 $m^2$ shall be provided and maintained; and,

5. Notwithstanding Section 15B(21) and 15B(22) a minimum landscaped area of 111.5 $m^2$ shall be provided and maintained and may be located above grade, subject to Section 15B(27); and,

6. Notwithstanding Section 18.(3)(vi), a balcony may project 1.6 m into the required front and rear yards; and,

7. Notwithstanding Section 18A, a minimum of one 3.7 m x 9.0 m x 4.3 m loading space shall be provided and maintained; and,

8. Notwithstanding Section 18A, parking shall be provided and maintained for a Senior Citizens' Multiple Dwelling on the basis of 0.3 spaces per Senior Citizens' Dwelling Unit, except that not less than 33 parking spaces shall be provided and maintained; and,

9. Notwithstanding Section 18A, a maximum of four of the required parking spaces may be located on Block "2"; and,

(c) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:

(i) Notwithstanding Section 11(1), parking accessory to a mixed residential and commercial development on Block "1" shall be permitted, subject to the following special provisions:

1. Notwithstanding Section 18(A) manoeuvring space may be provided off-site; and,

2. A visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line, except for a distance of 5.0 m from the Emerald Street road allowance; and,

3. A minimum 2.7 m wide landscaped planting strip shall be provided and maintained along the southerly lot line.

(d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1340, and that the subject lands on Zoning District Maps E-13 and E-14 be notated S-1340; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-13 and E-14, for presentation to City Council; and,

(f) That this proposed change and modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(g) That Blocks "1" and "2" be redesignated on the Approved Stinson Neighbourhood Plan from "Commercial" to "Commercial and Apartments".

At this point Alderman F. D'Amico, Vice-Chairperson, assumed the Chair during the temporary absence of the Chairperson, Alderman D. Drury.

2. **Zoning Application 95-02, Imperial Oil Limited, owner, for a modification and a change in zoning for lands located at No. 1445 Main Street West.**

The Committee was in receipt of a report dated 1995 March 29 from the Director of Local Planning respecting the above noted matter.

Paul Mallard of the Building Department addressed this application and stated that of 170 notices sent out 6 had been received in favour and 22 opposed.

Greg Bell and Greg Ford attended on behalf of Imperial Oil and addressed the proposal. Mr. Bell stated that the proposal was an attempt to clean up an existing situation and deal with the modernization of service stations. The convenience store and restaurant uses would be take-out without seating.

Members of the public were invited to speak.

Eva Clarke, daughter of the owner of 33 Leland Street expressed concern about the traffic flow, maintenance of the site and requested that the garbage be relocated and screened. She said she felt a carwash/restaurant was not needed and would in fact increase the loitering and vandalism in the area.

Ann Simpson of 37 Norfolk Street cited the garbage problem which already existed and expressed concern that a noise problem would be added to this. She referred to the existing parking problems and the difficulty crossing Main Street.

Rick Podolsky of 33 Norfolk Street introduced a written submission and spoke against the proposal.

A resident of 89 Sussex Street asked the Committee to take into account the proliferation of fast food restaurants already in area which he felt would make the project economically unviable.

Alderman Mary Kiss requested denial of the application and submitted a petition from residents of the area. She stated that 2 carwashes already existing within close proximity and she felt the project would therefore not be .economically viable. Alderman Kiss referred to the increased traffic hazard, stating that the property was in close proximity to schools, Ronald McDonald House, the University, and the Medical Centre and would increase the traffic hazard, and the difficulty crossing the road. She pointed out that a carwash would cause a back-up in the traffic and cited noise which would cause harm to the neighbourhood.

Responding to a question, Paul Mallard agreed that a traffic study and noise study could be conditions of the site plan agreement.

Considerable discussion ensued and the Committee approved the following:

(a) That approval be given to Zoning Application 95-02, Imperial Oil Limited, owner, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for Block "1", and for a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified, for Block "2", to permit the development of a gas bar and car wash with drive thru restaurant and convenience store, for property located at 1445 Main Street West, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District; and,

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

1. Notwithstanding Section 14.(1)(xviia) of Zoning By-law No. 6593, a mechanical car wash consisting of one bay, as an accessory use to a gas bar shall be permitted; and,

2. Notwithstanding Section 18.(3)(ivc)(a) of Zoning By-law No. 6593, a 4.0 m minimum northerly side yard shall be provided and maintained for every building or structure; and,

3. Notwithstanding Section 14.(1)(xvi) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 3.0 m from the Main Street West streetline shall be permitted; and,

4. Notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted; and,

5. No sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination; and,

6. A landscape area not less than 6.0 m in width shall be provided and maintained along the westerly lot line where the lot adjoins a residential district and no parking or other use shall be permitted within the landscape area, except for the one bay mechanical car wash; and,

7. A landscape area not less than 3.0 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveways access; and,

8. A visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly lot line, where the lot adjoins a residential district;
and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1341, and that the subject lands on Zoning District Map W-46 be notated S-1341; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map W-46 for presentation to City Council; and,

(v) That the proposed change and modification in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(b) That Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223 be amended by adding the subject lands to Appendix "B", and that final Site Plan Approval be withheld until:

(i) a noise study with attenuation measures has been completed to the satisfaction of Ministry of the Environment; and,

(ii) a traffic analysis respecting left turns from Main Street West has been completed to the satisfaction of the Traffic Department.

Mayor Morrow, Alderman Copps and Alderman Caplan were recorded as opposed to this recommendation.

At this point Alderman Drury reassumed the Chair.

## DELEGATIONS

3. **(a) Greencedar/Firenze Retaining Walls - Area Residents**

No area residents were present to address this matter

**(b) 66-68 King Street East (The Old Foster Building) - John W. Harvey**

Mr. Jack Harvey attended together with Dr. Greil who owned the property with his mother.

Mr. Harvey advised the Committee of the difficulties imposed upon his clients by the heritage designation on the property. He said this precluded the sale or leasing of the property.

Discussion ensued and Alderman McCulloch encouraged the Committee to look into negotiations for the purchase of the property.

After considerable discussion the Committee approved the following:

That a sub-committee be struck to include Mayor Morrow, Alderman McCulloch, Alderman Eisenberger, and other interested members together with representatives from the Regional Economic Development Department to investigate ways of resolving problems with the Old Foster Building at 66-68 King Street East and bring back recommendations to the Planning and Development Committee.

## CITY COUNCIL REFERRAL BACK/DIRECTOR OF LOCAL PLANNING

4. **User Fees - Planning**

The Committee was in receipt of a report from the Director of Local Planning dated 1995 March 30 respecting the above noted matter.

The Committee was also in receipt of a written submission dated 1995 March 29 from the Hamilton Halton Home Builders Association in this regard.

After consideration, the Committee approved the following:

That the interim fee adjustments for Planning fees in the 1995 Current Budget effective April 3, 1995, as set out under Item No. 17) to 29) inclusive of Appendix "A" to

Section 1 of the FIRST Report of the Committee of the Whole for 1995 be deferred; and,

That Planning staff be directed to continue discussions with the Hamilton-Halton Home Builders' Association regarding the method of collection and amounts for planning fees based on a cost recovery principle.

## CHIEF ADMINISTRATIVE OFFICER

5. **Local Planning Function - Reporting Arrangement**

The Committee was in receipt of a report dated 1995 April 3 from the Chief Administrative Officer together with letters of submission from the Hamilton Society of Architects, Anthony Butler Architect Inc., Kirkendall Neighbourhood Association and International Village B.I.A. respecting the above noted matter.

The Committee agreed that this matter should have been referred to the Committee of the Whole for consideration rather than being brought back to the Planning and Development Committee. Concern was expressed that the opportunity be given to interested parties to provide input and the Committee subsequently agreed as follows:

(a) That the minutes of the Planning and Development Committee dated 1995 March 22 be amended to reflect that this matter be referred to the Committee of the Whole.

(b) That the Local Planning - Reporting Arrangement be referred to a special meeting of the Committee of the Whole. The time and location to be determined by the Mayor.

## CONSENT AGENDA

6. **A. ADOPTION OF MINUTES**

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 March 22 which were adopted as amended.

**B. DIRECTOR OF LOCAL PLANNING**

(i) **Proposed Draft Plan of Condominium Homes by DeSantis Inc., Owner 819 Upper Paradise Road (25CDM-94006)**

The Committee was in receipt of a report dated 1995 March 20 from the Director of Local Planning respecting the above noted matter and approved the following:

(a) That approval be given to application 25CDM-94006, Homes by DeSantis Inc., owner, to establish a draft plan of condominium located at 819 Upper Paradise Road, subject to the following conditions:

(i) That this approval apply to the plan prepared by J. D. Barnes Limited and certified by S. J. Balaban, an Ontario Land Surveyor on September 19, 1994, showing 16 residential townhouse units; and,

(ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on October 24, 1994 and finalized on January 9, 1995 under application DA-94-23 prior to registration; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

(ii) **City Initiative 94-E Lodging Houses**

The Committee was in receipt of a report dated 1995 March 29 from the Director of Local Planning respecting the above noted matter and approved the following:

That the Planning and Development Committee authorize a Public Meeting, in accordance with the requirements of the Planning Act, to consider the following changes to Zoning By-law No. 6593 respecting the definitions of "lodging house", "hostel", "hotel", "residential care facility", "short-term care facility" and "tourist home":

(a) That Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 be amended by deleting the existing definition of "lodging house" and replacing it with the following:

"**Lodging House**" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

(i) a hostel;
(ii) a hotel;
(iii) a public or private hospital;
(iv) a nursing home;
(v) a home for the aged or a home for elderly persons;
(vi) a tourist home;
(vii) a residential care facility; and,
(viii) a short-term care facility.

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

(b) That Subsection 2.(2)A.(x) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

"**Hostel**" shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital;

(c) That Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 be amended adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

"**Hotel**" shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel;

(d) That Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

**"Residential Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged;

(e) That Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

**"Short-Term Care Facility"** means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

(a) the residents are referred to the facility by a hospital, court or government agency; or

(b) the facility received all or part of its non-capital funds from a government; or

(c) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal by-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

(f) That Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

"**Tourist Home**" shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less that a week at one time, except a lodging house, hotel or private hospital.

(iii) **Removal of Part-lot Control "Allison Estates, Phase 1" Subdivision (PLC-H-94-5)**

The Committee was in receipt of a report dated 1995 March 20 from the Director of Local Planning respecting the above noted matter.

The Committee approved the following:

(a) That the request of Mr. David A. Elliot, Solicitor for 200 Rymal Road Inc. (J. Chun, President) owner, to establish maintenance easements by removing part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive, "Allison Estates, Phase 1" plan of subdivision, 62M-778, be approved; and,

(b) That the by-law to remove part-lot control from Lots 1 to 10 inclusive and Lots 20 to 32 inclusive "Allison Estates, Phase 1" plan of subdivision, be enacted by Council; and,

(c) That following enactment of this by-law, that the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law; and,

(d) That following completion of the conveyances being permitted by the said by-law to remove part-lot control, a by-law be enacted to repeal the said by-law.

## C. BUILDING COMMISSIONER

**Demolition Permit - 150 Stapleton Avenue**

The Committee was in receipt of a report dated 1995 March 28 from the Building Commissioner respecting the above noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 150 Stapleton Avenue in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.

## D. SENIOR DIRECTOR - ROADS DEPARTMENT

**Cash-Lieu of Parkland Dedication for "The Gardens of Rymal - Phase 4"**

The Committee was in receipt of a report dated 1995 March 30 from the Senior Director - Roads Department respecting the above noted matter and approved the following:

(a) That Section 3 of the Sixteenth Report of the Planning and Development Committee Report for 1992, approved by Council on 1992 September 29, regarding approval of the cash figure in lieu of 5% parkland dedication for "The Gardens of Rymal - Phase 4" be deleted; and,

(b) That the City of Hamilton accept the sum of $ 38,750.00 as cash payment in lieu of the 5% land dedication in connection with "The Gardens of Rymal - Phase 4", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

7. **PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned in-camera to discuss matters of a private and confidential nature.

The Committee reconvened in open session and approved the following:

A. That the report dated 1994 August 15 from the City Solicitor and the information report dated 1995 March 24 from the Senior Director, Road Department respecting Almas Gardens Phase 3 - Retaining Walls/67-83 Firenze Street be received for information and no action taken.

B. (i) That the City agree to settle the Ontario Municipal Board hearing concerning the Site Plan Application respecting 5262 Victoria Avenue South on the basis of Recommendation "B" in the 1994 March 30 report of the Commissioner of Planning and Development; and,

(ii) That City Staff report to the Ontario Municipal Board on the position the City has taken on this matter.

C. (i) That the City of Hamilton settle the Ontario Municipal Board hearing concerning 986-998 Upper Wentworth Street by,

1. offering to rezone the property such that 75% of the existing floor area of the shopping plaza be permitted to be used for restaurant uses; and,

2. paying $8,000. towards the Owner's costs of the appeal to date.

(ii) That the City Treasurer be requested to recommend the appropriate method of financing the settlement indicated in 2. above.

8. **ADJOURNMENT**

There being no further business the meeting then adjourned.

**Taken as read and approved**

**Alderman Don Drury, Chairperson**
**Planning and Development Committee**

**Stella Glover**
**Secretary**
/cm

1995 April 5

A(ii)

Tuesday, 1995 April 25
5:45 o'clock p.m.
Room 233, City Hall

**The Planning and Development Committee met.**

| | |
|---|---|
| **There were present:** | Mayor R. M. Morrow<br>Alderman Don Drury, Chairperson<br>Alderman Fred Eisenberger<br>Alderman Marvin Caplan<br>Alderman William McCullough<br>Alderman Bob Charters |
| **Regrets:** | Alderman Frank D'Amico, Vice-Chairperson<br>Alderman Geraldine Copps<br>Alderman Henry Merling |
| **Also present:** | J. Pavelka, Chief Administrative Officer<br>Alderman Vince Agro<br>Alderman Mary Kiss<br>Alderman Terry Anderson<br>Alderman Don Ross<br>Alderman Bernie Morelli<br>Dan Vyce, Director of Property<br>Victor Abraham, Director of Local Planning<br>Patrice Noé Johnson, City Solicitor<br>Len King, Building Commissioner<br>Allan Ross, Treasurer<br>J. J. Schatz, City Clerk<br>Mike Watson, Real Estate<br>Dave Powers, Law Office<br>Eugene Chajka, Transportation/Environmental Services<br>Kevin Christenson, City Clerks Office<br>Stella Glover, Secretary |

1. **Director of Property**

**66-68 King Street East, Victoria Hall/MacKay Buildings (Foster Building)**

The Committee was in receipt of a report dated 1995 April 21 from the Director of Property respecting the above noted matter.

Alderman McCullough reported that the Ad Hoc Committee had met on 1995 April 21, to review the options in order to preserve the historic property, and had agreed that the purchase of the property be explored.

After discussion the Committee approved the following:

That the Property Department be authorized to make an exploratory Offer to Purchase for the property known as 66-68 King Street East.

Alderman Bob Charters was recorded as opposed to this motion.

2. **City Council Referral Back/Building Commissioner**

**Demolition Permit - 760 West 5th Street**

The Committee was in receipt of a report dated 1995 April 7 from the Building Commissioner and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 760 West 5th Street in accordance with By-law No. 74-290 pursuant to Section 33 of the Planning Act, as amended.

3. Building Commissioner

**Demolition Permit - 1045 Upper James Street - Tag Number 94066**

The Committee was in receipt of a report dated 1995 April 21 from the Building Commissioner respecting the above noted matter and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 1045 Upper James in accordance with By-Law No. 74-290 pursuant to Section 33 of the Planning Act, as amended.

4. ADJOURNMENT

There being no further business the meeting then adjourned.

**Taken as read and approved**

**Alderman Don Drury, Chairperson**
**Planning and Development Committee**

**Stella Glover**
**Secretary**

/cm

1995 April 25

**CITY OF HAMILTON**

**- RECOMMENDATION -**

B (i)

**DATE:** 1995 April 7

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
661 UPPER WELLINGTON STREET - Tag Number 93993
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 661 Upper Wellington Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

PRESENT ZONING: C (Map E-16)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey stucco covered house with small accessory building. Owner wishes to demolish existing house and accessory building and rebuild new single family dwelling. No LACAC interest. Lot size 56' x 103'.

The owner of the property as per the demolition permit is:

Diodoro Ciaramella
225 Park Road South
Grimsby, Ontario

SH/zr

# CITY OF HAMILTON

## - RECOMMENDATION -

B (ii)

**DATE:** 1995 April 21

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
12 HARRISON AVENUE - Tag Number 94042
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 12 Harrison Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

| | |
|---|---|
| PRESENT ZONING: | C (Map E-63) |
| PRESENT USE: | Single Family Dwelling |
| PROPOSED USE: | Vacant (to be determined at later date) |
| BRIEF DESCRIPTION: | One storey brick veneer with wood frame addition single family dwelling. Owner wishes to demolish existing fire damaged house and leave lands vacant. No LACAC interest. Lot size 25' x 100'. |

The owner of the property as per the demolition permit is:

East-Hamilton Radio Ltd.
1325 Barton Street East
Hamilton, Ontario

SH/zr

C (i)

# CITY OF HAMILTON

# - RECOMMENDATION -

***DATE:*** April 26, 1995
CDM-93-01
Bruleville Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Proposed Draft Plan of Condominium by Regal Castle Developments "Limeridge Condominium"

***RECOMMENDATION:***

(1) That approval be given to application CDM-93-01 (Regional File 25CDM-93002R), Regal Castle Developments, owner, to establish a draft plan of condominium "Limeridge Condominium", located at 870 Upper Wentworth Street, subject to the following condition:

i) That this approval apply to the plan prepared by A.J. Clark and Associates and certified by B. J. Clarke, O.L.S., dated February 14, 1995, showing a total of 22 units; and,

(2) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

J. J. Pavelka

V. Abraham

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

**Applicant:**

Regal Castle Developments, owner.

**Agent and Surveyor:**

B. J. Clarke, O.L.S., A.J. Clarke and Associates Ltd.

**Location:**

The lands, known municipally as 870 Upper Wentworth Street, comprising 0.28 ha, are located on the west side of Upper Wentworth in the Bruleville Neighbourhood (see APPENDIX "A").

**Proposal:**

The owner is proposing to construct a 6 storey, 22 unit condominium apartment building (see APPENDIX "B").

*EXISTING DEVELOPMENT CONTROLS:*

**Hamilton-Wentworth Official Plan:**

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.

**Hamilton Official Plan:**

The subject lands are designated "Commercial". Residential uses are permitted in commercially designated areas provided they are designated in the approved neighbourhood plan. As the subject lands are designated "Medium Density Apartments" in the neighbourhood plan, the proposal complies with the intent of the Official Plan.

**Neighbourhood Plan:**

The subject lands are designated "Medium Density Apartments" in the approved Bruleville Neighbourhood Plan. The lands are subject to special height and setback provisions from Fieldway Drive extension (maximum 6 storeys and 15 m (50 ft) minimum setback). The proposal complies with the neighbourhood plan.

**Zoning:**

The subject lands are zoned "E" (Multiple Dwellings) District, modified. In 1988, Council passed Zoning By-law No. 88-163 which changed the zoning on the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings) District subject to a maximum height restriction of 6 storeys. In addition, the by-law permits a maximum of 60 units on the subject lands. The proposal complies with the zoning by-law.

**Site Plan:**

The proposed condominium development was the subject of Site Plan Control Application DA-94-03 that was approved on December 7, 1994. In February, 1995 the applicant submitted a revised grading plan that was subsequently approved on March 14, 1995. The Site Plan Agreement was finalized and registered on title on April 21, 1995.

***COMMENTS FROM CIRCULATION:***

The following agencies had no comments or objection:

- Traffic Department; and
- Hamilton Region Conservation Authority.

The Building Department advised that:

> "The proposed condominium is being developed under Site Plan Control Agreement DA-94-03 and Site Specific By-law 88-163. The plan submitted with your letter does not appear to have any marked changes from the site plan agreement, however we note that the application has yet to be finalized."
>
> As previously noted, the Site Plan Agreement was finalized and registered on title on April 21, 1995.

*COMMENTS:*

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Bruleville Neighbourhood Plan.

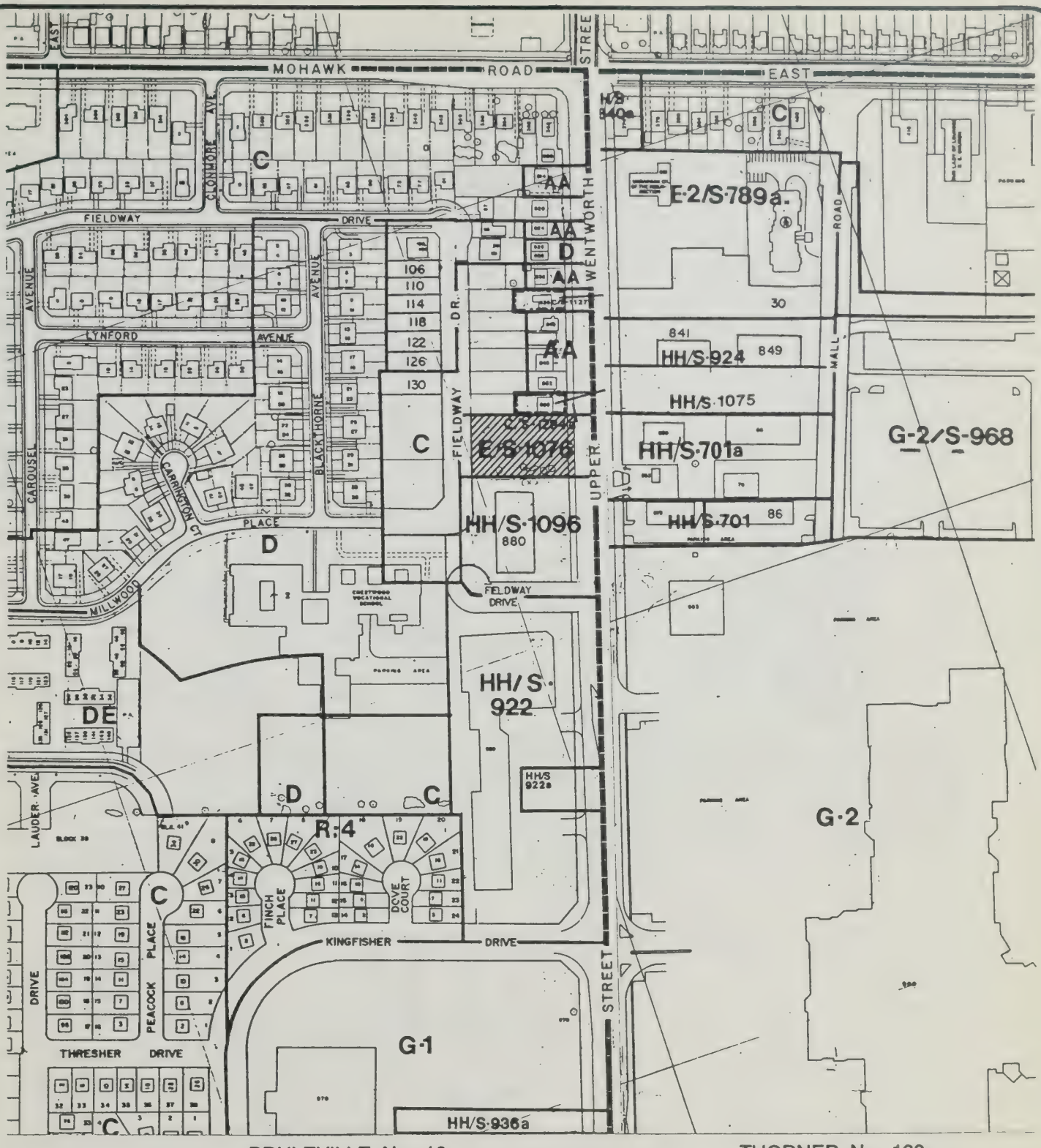
3. The proposal complies with the regulations of the "E" (Multiple Dwellings) District, modified, in the City of Hamilton Zoning By-law No. 6593.

4. The proposal complies with the approved site plan

*CONCLUSIONS:*

On the basis of the forgoing, the proposed plan of condominium can be supported.

SR\sr
93-01.CDM




City of Hamilton

Plan Showing Lands Subject to

# CDM-93-01
# APPENDIX "A"

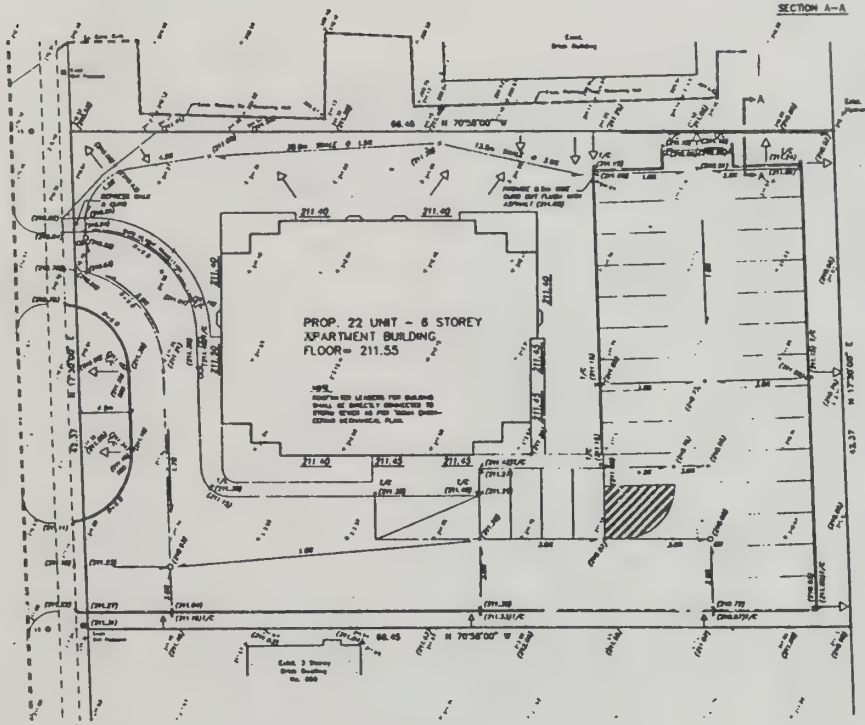
Planning and Development Department

Legend

Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CDM-93-01 |
| | Date | Drawn By |
| | APRIL 1995 | Z. K. |

APPENDIX "B"




NOTES ON GRADING PLAN

1. Any changes in grades and catch basins require the approval of the Commissioner of Regional Transportation/Environmental Services.
2. All driveways from property lines for the first 7.5m shall be certain 3% maximum grade, thereafter, all driveways shall be certain 10% maximum grade.
3. The approval of this plan does not exempt the owner's retained contractor from the requirements to obtain various permits/approvals normally required for complete a construction project, such as, but not limited to the following:
   - Road cut permits
   - Approach approval permits
   - Committee of adjustment
   - Sewer permits
   - Relocation of services
   - Conservation authority comments (if required)

SECTION A-A

| | | | |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |
| 1 | REVISED | FEB 11/05 | AJ |
| | REVISIONS | | |

LEGEND

- (210.00) — PROPOSED FINISHED GROUND ELEVATION
- SWALE FLOW
- (210.00) — EXISTING GROUND ELEVATION
- CB — PROPOSED CATCH BASIN
- (TW 210.50)/C — PROPOSED TOP OF CURB ELEVATION
- 2.0% — DIRECTION OF SURFACE DRAINAGE FLOW
- 211.45 — PROPOSED FINISHED GRADE AT BUILDING

**ISSUED**

A. J. CLARKE & ASSOCIATES LTD.

BENCH MARK
City of Hamilton Index No. : 13-11
Elevation: 214.336m Geodetic
Description: Mohawk Road Fire Station, tablet in center of east face of projected concrete foundation wall at south side of garage entrance. No. 65-U-058

SITE BENCH MARK
Elevation: 210.88m
Description: Top of storm MH 1 on Upper Wentworth Street.

NOTE: Site bench mark to be confirmed from geodetic bench mark prior to construction.

ISSUED FOR CONSTRUCTION

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS • CONSULTING ENGINEERS

| | |
|---|---|
| CITY OF HAMILTON | |
| UPPER WENTWORTH CONDOS (No. 870 UPPER WENTWORTH) | SCALE: 1 : 250 |
| SITE GRADING PLAN | DWG. K-1303-2 |

C(ii)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

***DATE:*** April 25 1995

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham, M.C.I.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Authorization for Staff Attendance at Ontario Municipal Board Hearings

***RECOMMENDATION:***

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the Committee of Adjustment decisions to approve Application Nos. A-95-17, A-95-26 and A-95-33, respecting properties located at No. 149 Graham Avenue South, No. 138 Erie Avenue and No. 114 Royal Avenue, respectively.

V. J. Abraham J. G. Pavelka

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

The following Committee of Adjustment applications have recently been appealed to the Ontario Municipal Board:

- A-95-17

  At its meeting of March 1, 1995, the Committee accepted Planning staff's

recommendation and approved this application to permit a one storey addition to the dwelling with a south side yard of 0.76 m, whereas the By-law requires 0.9 m, for property at No. 149 Graham Avenue South.

- A-95-26

  At its meeting of March 29, 1995, the Committee accepted Planning staff's recommendation and approved this application to permit a change in legal non-conforming use from a carpenter's workshop to storage of building materials and supplies, for property at No. 138 Erie Avenue.

- A-95-33

  At its meeting of March 15, 1995, the Committee accepted Planning staff's recommendation and approved this application to permit a second storey addition to the existing dwelling with a front yard of 1.82 m, whereas the By-law requires 6.0 m, and a west side yard of 0.76 m, whereas the By-law requires 0.91 m, for property at No. 114 Royal Avenue.

Dates for the Board hearings have not yet been set.

***CONCLUSION:***

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearings.

CL-M

D.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 April 20
E205-05, C. A. Unelli

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.
Senior Director
Roads Department

**SUBJECT:** **Final Lot Grading and Sodding Contract for Various Subdivisions During 1995**

**RECOMMENDATION:**

That a purchase order be issued to Crescan Landscape Contractors, Mount Hope, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The City of Hamilton subdivision agreements require applicants to provide appropriate security to insure that all lot grading is completed in a satisfactory manner. In situations where deficiencies in the lot grading occur, the subdivider will be notified by the Regional Roads Department and/or the City Building Department that remedial work will be required to correct the deficiencies.

cont'd...

**Final Lot Grading and Sodding Contract
for Various Subdivisions During 1995**

cont'd...

Failure by the subdivider to perform the remedial work will be considered a default of the City Subdivision Agreement whereby the Regional Roads Department and/or the City Building Department will utilize an outside contractor to complete the outstanding works. The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

See Quotation Analysis of individual prices submitted, along with Schedule A which is a sample grading cost.

CAU
attach.

cc: Mr. L. C. King, Building Department
cc: Mr. B. Allick, Building Department
cc: Mr. A. Ross, Treasury Department

# Quotation Analysis

| Item No. | Description | Crescan | O. Ciccarelli & Son | Wm. Groves Ltd. | Bruen Construction | Green Mountain |
|---|---|---|---|---|---|---|
| 1 | Final lot grading including supply and placement of 100m topsoil, including removal of debris if necessary (per square metre) | $1.98 | $2.03 | $5.00 | $6.52 | NO BID |
| 2 | Supply and place No.1 Nursery sod including 100 mm topsoil (per square metre) | $4.08 | $5.51 | $4.00 | $7.00 | |
| 3 | Supply and place 100 mm topsoil (per square metre) | $1.94 | $6.88 | $3.00 | $4.00 | |
| 4 | Supply and place Granular "A" (per tonne) | $18.00 | $21.76 | $20.00 | $26.00 | |
| 5 | Supply and install 0.9m long corrugated steel window well including 300 mm clean stone (per unit) | $100.00 | $185.00 | $300.00 | $220.00 | |
| 6 | Supply and construct 150 mm pressure treated timber retaining walls with tie backs, including excavation, granular and/or tile drains and backfill (per square metre of wall face area) | $255.00 | $207.70 | $200.00 | $250.00 | |
| 7 | Supply and construct precast concrete retaining walls, Pisa stone or approved equivalent, including excavation, granular and/or tile drains and backfill (per square metre of wall face area) | $260.00 | $270.00 | $300.00 | $270.00 | |
| 8 | Supply and construct 1.5 m high chainlink fencing (per linear metre) | $54.40 | $50.00 | $60.00 | $55.00 | |
| 9 (a) | Supervision (per hour) | $19.75 | $30.00 | $44.85 | $35.00 | |
| 9 (b) | Labourers (per hour) | $17.00 | $22.50 | $37.22 | $30.00 | |
| 9 (c) | Equipment Operators/Drivers (per hour) | $18.00 | $25.00 | $44.85 | $30.00 | |
| 9 (d) | Three man survey crew (per hour) | $50.25 | $100.00 | $80.00 | $120.00 | |
| 9 (e) | Bobcat excluding operator (per hour) | $24.00 | $23.00 | $15.00 | $30.00 | |
| 9 (f) | Dump Truck excluding driver (per hour) | $27.00 | $20.00 | $20.00 | $38.00 | |
| 9 (g) | Backhoe/Front-End Loader excluding driver (per hour) | $27.00 | $30.00 | $20.00 | $39.00 | |
| 10 | Adjustments to catch basins and/or manhole (per unit) | $199.00 | $530.00 | $300.00 | $200.00 | |
| 11 | Material Cut (per cubic metre) | $17.00 | $20.00 | $12.00 | $6.50 | |
| 12 | Material Fill (per cubic metre) | $19.00 | $25.00 | $8.00 | $6.50 | |

Ref: C18-1-95

Closed: February 17, 1995

# The Corporation of the City of Hamilton
# Form of Quotation

Schedule A

## Final Lot Grading and Sodding
## for Various Subdivision During 1995

| Item No. | Description (Hours) | Bidders | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Crescan | | O. Ciccarelli & Son | | Wm. Groves Ltd. | | Bruen Construction | | Green Mountain | |
| | | Rate ($/hr) | Cost ($) | Rate ($/hr) | Cost ($) | Rate ($/hr) | Cost ($) | Rate ($/hr) | Cost ($) | Rate ($/hr) | Cost ($) |
| 1 | 3200 | 1.98 | 6,336.00 | 2.83 | 9,056.00 | 5.00 | 16,000.00 | 6.52 | 20,864.00 | | |
| 2 | 3200 | 4.08 | 13,056.00 | 5.51 | 17,632.00 | 4.00 | 12,800.00 | 7.00 | 22,400.00 | | |
| 3 | 50 | 1.94 | 97.00 | 6.88 | 344.00 | 3.00 | 150.00 | 4.00 | 200.00 | | |
| 4 | 160 | 18.00 | 2,880.00 | 21.76 | 3,481.60 | 20.00 | 3,200.00 | 26.00 | 4,160.00 | | |
| 5 | 4 | 100.00 | 400.00 | 185.00 | 740.00 | 300.00 | 1,200.00 | 220.00 | 880.00 | | |
| 6 | 60 | 255.00 | 15,300.00 | 204.70 | 12,282.00 | 200.00 | 12,000.00 | 250.00 | 15,000.00 | | |
| 7 | 40 | 260.00 | 10,400.00 | 270.00 | 10,800.00 | 300.00 | 12,000.00 | 270.00 | 10,800.00 | | |
| 8 | 100 | 54.40 | 5,440.00 | 50.00 | 5,000.00 | 60.00 | 6,000.00 | 55.00 | 5,500.00 | | |
| 9 (a) | 30 | 19.75 | 592.50 | 30.00 | 900.00 | 44.85 | 1,345.50 | 35.00 | 1,050.00 | | |
| 9 (b) | 200 | 17.00 | 3,400.00 | 22.50 | 4,500.00 | 37.22 | 7,444.00 | 30.00 | 6,000.00 | | |
| *9 (c) | 54 | 18.00 | 972.00 | 25.00 | 1,350.00 | 44.85 | 2,421.90 | 30.00 | 1,620.00 | | |
| 9 (d) | 10 | 50.25 | 502.50 | 100.00 | 1,000.00 | 80.00 | 800.00 | 120.00 | 1,200.00 | | |
| 9 (e) | 12 | 24.00 | 288.00 | 23.00 | 276.00 | 15.00 | 180.00 | 30.00 | 360.00 | | |
| 9 (f) | 8 | 27.00 | 216.00 | 20.00 | 160.00 | 20.00 | 160.00 | 38.00 | 304.00 | | |
| 9 (g) | 8 | 27.00 | 216.00 | 30.00 | 240.00 | 20.00 | 160.00 | 39.00 | 312.00 | | |
| 10 | 2 | 199.00 | 398.00 | 530.00 | 1,060.00 | 300.00 | 600.00 | 200.00 | 400.00 | | |
| 11 | 30 | 17.00 | 510.00 | 20.00 | 600.00 | 12.00 | 360.00 | 6.50 | 195.00 | | |
| 12 | 8 | 19.00 | 152.00 | 25.00 | 200.00 | 8.00 | 64.00 | 6.50 | 52.00 | | |
| | Total (including P.S.T.) | | $61,156.00 | | $69,621.60 | | $76,885.40 | | $91,297.00 | | |
| | G.S.T | | $4,280.92 | | $4,873.51 | | $5,381.98 | | $6,390.79 | | |
| | **Total Bid** | | **$65,436.92** | | **$74,495.11** | | **$82,267.38** | | **$97,687.79** | | |

*NO BID*

* Note: 3 @ 18 hrs. each

E (i)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 April 10

**REPORT TO:** Chairperson and Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **28-44 James Street North/5-21 King William Street (The Lister Block)**

**RECOMMENDATION:**

That City Council refer the heritage designation of 28-44 James Street North/5-21 King William Street (The Lister Block) to the Conservation Review Board.

Stella Glover

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

At it's meeting of 1995 January 10 City Council adopted Item 4 of the Third Report of the Planning and Development Committee as follows:

"4. (a) That approval be given to the "Intent to Designate" the Lister Block at 28-44 James Street North/5-21 King William Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B", and

(b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983."

As an objection to the proposed designation has been received s.29(7) of the Ontario Heritage Act, R.S.O. 1990 requires that Council shall refer the matter to the Conservation Review Board for a hearing and report.

cc: V. Abraham, Director of Planning
A. Zuidema, Law Department
B. Carter, Secretary, L.A.C.A.C.

Appendix "B" referred to in Section 4 of the THIRD Report of the Planning and Development Committee for 1995.

# REASONS FOR DESIGNATION

## Lister Block

### 28–44 James Street North / 5–21 King William Street

**Context**

The imposing six–storey retail/office building known as the *Lister Block* has been a prominent downtown landmark since erected in 1923 at the north–east corner of James Street North and King William. Its height, corner location, large double street frontage, and assertive architectural design have all contributed to its dominant character. An anchor block on both streets, its strong presence has been further accentuated in recent years by two major changes to the historic James North streetscape: the replacement of the four– and six–storey T. Eaton Co. department store (1916/20) to the north–west by the lower Eaton Centre (1990) and the large gap created by the demolition of the 1929 Zeller's building to the south.

The Lister Block originally stood in the heart of Hamilton's civic core, directly across from the City Hall (1888) and Market Square, and just south of the Federal Building (1856/1920). The downtown urban renewal scheme, initiated by the opening of the new City Hall in 1960, however, gradually shifted the focus of civic and cultural activity away from James Street North, resulting in the loss of two major Victorian landmarks: the old City Hall and the Grand Opera House (1880) located two blocks to the north.

From an urban design perspective, full advantage was taken of the corner site. Equal architectural emphasis was given to the six– and eight–bay street elevations, with entrances provided to the L–shaped arcade from both James and King William. The use of the traditional truncated corner served to orient the building both to the intersection of James and King William and the open space beside City Hall, known as Market Square. Despite changes to the original street pattern and built forms, the Lister Block still relates very well to its setting and maintains a commanding presence.

**History**

The Lister Block site is noteworthy for its long–term association with the Lister family, dating back to the 1850s when the original four–storey stone commercial block was erected for Joseph Lister. Following a devastating fire in 1923 which left the structure in ruins, plans were immediately drawn up for a larger, six–storey fireproof building by his son and manager since 1911, J.E. Lister. It was Lister's proclaimed ambition to provide the most up–to–date and central accommodation for small merchants at the lowest possible rents: stores facing James and King William, a two–level interior shopping arcade and office suites on the upper four floors. Within several years, Lister's ambitious project proved to be a success, attracting a variety of retail stores as well as service–oriented businesses and agencies (e.g. cafes, barber shops, beauty salons, medical practitioners, accountants, real estate agents, building societies, and charitable organizations). Joseph and J.E. Lister were both successful businessmen who demonstrated the family's confidence in and commitment to Hamilton through their respective Lister Block developments.

E (ii)

# CITY OF HAMILTON

## -RECOMMENDATION-

**DATE:** 1995 April 27

**REPORT TO:** Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **Information Items**

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 re Windermere Basin Study - Land Use Determination

(b) Information Report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 respecting Harbour Matters

(c) Information Report from the Director of Local Planning dated 1995 April 24 re Approved Site Plan Control Applications

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
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1995

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

MAY 10 1995

GOVERNMENT DOCUMENTS

# NOTICE OF SPECIAL MEETING

**PLANNING AND DEVELOPMENT COMMITTEE**
**Tuesday, 1995 May 9**
**6:45 o'clock p.m.**
**Room 233, City Hall**

Stella Glover

**Stella Glover, Secretary**
**Planning and Development Committee**

Please be advised that a Special Meeting of the Planning and Development Committee will be held at the above noted time and place to consider the following items:

## A G E N D A

1. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT**

   Site Plan Control Application DA-95-12 for a 100 Unit Multiple Dwelling Project at 1355 Limeridge Road East

2. **REFERRAL FROM REGIONAL CLERK**

   Request to investigate the use of a Rendering Plant in a "K" Zoning District
   - Frid Street

# REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Office of the Clerk

Robert C. Pro
Michael A. Ro

2.

April 24, 1995

Mr. Joseph J. Schatz
Clerk
City of Hamilton
71 Main Street West
2nd Floor
Hamilton, Ontario
L8N 3T4

Dear Mr. Schatz:

Regional Council at its meeting held on Tuesday, April 18, 1995, approved Item 9 of the Environmental Services Committee Report 6-95, as follows:

**9. Request by Councillor D. Drury to allow Mr. Mathers representing Sandona Corporate Village an opportunity to address the Environmental Services Committee respecting a potential environmental problem on Frid Street in Hamilton**

a) That the Chairman of the Environmental Services Committee be authorized to contact the Ministry of the Environment and Energy (MOEE), on behalf of the Region, advising them of the incident occurring on Frid Street and requesting immediate assistance to rectify the situation;

b) That the City of Hamilton's Planning and Development Committee be respectfully requested to investigate the use of a rendering plant in a "K" zoning district, as it relates to the incident at Frid Street, Hamilton;

c) That the Medical Officer of Health be authorized and directed to conduct a full investigation of the incident occurring on Frid Street, Hamilton, immediately;

d) That staff be authorized and directed to investigate all potential problems with respect to sewer connections relating to the incident on Frid Street, Hamilton, in full co-operation with staff of the City of Hamilton.

**New Business #6 (No Attachment)**

119 King Street West, 15th Floor
P.O. Box 910
Hamilton, Ontario L8N 3V9

Tel. (905) 546-4154
Fax (905) 546-2546
TDD (905) 522-1787

It would be appreciated if the above-noted recommendation could be forwarded to the appropriate Standing Committee for their consideration. Should you require further information with respect to this item, please do not hesitate to contact our office.

Yours truly,

Lynda Sohal (Ms.)
Legislative Assistant

LS/

attach.

c.c. Councillor D. Wilson, Chairman, Environmental Services Committee
Dr. Marilyn James, Medical Officer of Health
Jim Halliday, Senior Director of Environmental Services

CA 4ON HBL A05
C 51 P4

Urban Municipal Collection
2nd Floor
Hamilton Public Library

# NOTICE OF MEETING

## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1995 May 24th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

**Stella Glover, Secretary**
**Planning and Development Committee**

## AGENDA

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Request for a further modification in zoning - 30 Rymal Road East

2. Request for an Official Plan Amendment and change in zoning for lands located at 220 and 222 Burlington Street East. ZAC-95-08.

3. **RENTAL HOUSING PROTECTION ACT - 9:45 A.M.**

   (a) Application CD-95-001, 174 Herkimer Street (Durand Neighbourhood)

   (b) Application CD-95-002, 93 Emerald Street South

   (c) Application CD-95-003, 2375 King Street East

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT**

   Draft approval of "San Lorenzo Heights" Subdivision (Regional File 25T-94002)

5. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT/LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   (a) MacNab-Charles Heritage Conservation District - Request for Improvements to Public Amenities

   (b) Municipal Improvements to MacNab-Charles Heritage Conservation District

6. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

   Heritage Designation - 207, 211, 213, 215 Ferguson Avenue South

7. **BUILDING COMMISSIONER**

   (a) Amendment to City of Hamilton By-law 84-35 respecting Domestic and Industrial Waste to Allow Orders to be Sent by Regular Mail.

   (b) Community Heritage Program - 235 Locke St N

   (c) Barton Street Revitalization - Committee of Adjustment and Property Reports

8. **CONSENT AGENDA**

9. **PRIVATE AND CONFIDENTIAL AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

| No. | Item | Original Date | Action | Status |
|---|---|---|---|---|
| 1. | Mobile Signs | | Planning | Report Pending |
| 2. | Definition of "Foster Home" and "Residential Care Facility" | 1992 November 18 | Alderman T. Cooke | Planning & Building Departments to prepare a report |
| 3. | Implementation of Public Participation Policies - Central Area Plan | 1993 March 24 | Planning | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11 |
| 4 | Mayor's Task Force on Downtown Issues | 1994 April 16 | Various Departments | Reports forthcoming to Committee. |
| 5. | ZA-93-47<br>200 Rymal Road East | 1994 April 20 | Applicant | Tabled to allow applicant to resubmit amended application. |
| 6. | Site Plan Control Application DA-92-13, 95 Mary Street | 1994 June 22 | Staff to meet with Applicant to determine acceptable option | Tabled |
| 7. | ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance | 1994 July 20 | O.M.B. | Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue |
| 8. | ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East | 1994 August 24 | Staff, applicant and residents to resolve concerns | Tabled - to be recirculated if application is modified |
| 9. | ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation | 1994 October 5 | | Tabled at applicant's request to resolve outstanding issues |
| 10. | Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue | 1994 December 7 | Public Works and Traffic | Staff to report back on total costs for the reconstruction of the traffic islands |

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 May 15
ZAC-95-05
Allison Neighbourhood

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

J. Pavelka, P. Eng.
Chief Administrative Officer

*SUBJECT:* Request for a further modification in zoning - 30 Rymal Road East

*RECOMMENDATION:*

That amended Zoning Application ZAC-95-05, Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, requesting an Official Plan amendment to modify Special Policy Area 46, and a further modification to the established "G-4" (Designed Neighbourhood Shopping Centre) District regulations, to permit additional commercial uses in an established commercial plaza, for property located at 30 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

- it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;
- it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators; and,
- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

  The applicant is requesting an Official Plan amendment to modify Special Policy Area 46 and a further modification to the "G-4" (Designed Neighbourhood Shopping Area) District regulations to expand the range of permitted uses for an existing commercial plaza (see APPENDIX "B" attached).

- Zoning Application ZA-91-26

  City Council, at their meeting of August 27, 1991, denied ZA-91-26 for an amendment to the Official Plan and a further modification to the "G-4" District regulations to permit a submarine and donut shop within the existing plaza on the following basis:

  *"(a) That it conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan which prohibit high traffic generating type uses (i.e. restaurants, places of assembly, etc.);*

  *(b) That it conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy; and,*

  *(c) That approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law."*

- Zoning Application ZA-90-56

  City Council, at its meeting of October 9, 1990, denied an Official Plan amendment and zoning by-law amendment application to permit a maximum of three (3) restaurants within the existing shopping plaza on the following basis:

  *"(a) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.*

(b) *It conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.*

(c) *It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants)...the proposed restaurant uses will result in spill over parking and associated traffic movements onto the adjacent residential areas which is undesirable.*

(d) *Approval of the application would encourage other similar applications which if approved, would undermine the intent of the Official Plan and Zoning By-law."*

- Official Plan Amendment No. 76

City Council, on May 9, 1989, adopted Official Plan Amendment No. 76 which redesignated the subject lands from **Residential** to **Commercial**, and established Special Policy Area 46. The effect of the Special Policy Area is to prohibit high traffic generating type uses (i.e. restaurants), and to prohibit vehicular access to and from Ryckman Street.

- By-law No. 89-246

City Council, on August 29, 1989, passed By-law No. 89-246 which rezoned the subject lands from "B" (Suburban Agriculture and Residential, etc.) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to prohibit a restaurant or refreshment room. Other modifications were made to require additional landscaping and buffering, and prohibit vehicular access to Ryckman Street, to mitigate negative spillover effects on adjacent residential uses.

- Zoning Application ZA-86-29

City Council, at it meeting of June 24, 1986, denied ZA-86-29 for an Official Plan amendment and change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit ground floor commercial and 16 apartment units on the second floor.

- Zoning Application ZA-84-80

City Council, at its meeting of February 26, 1985, denied ZA-84-80 for an Official Plan amendment and a change in zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for a commercial shopping plaza.

*APPLICANT:*

Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners.

*LOT SIZE AND AREA:*

The subject lands have:

- a lot frontage of 88.142 m (289.18 feet) on Rymal Road;
- a lot depth of 59.5 m (195.21 feet); and,
- a lot area of 6,045.75 $m^2$ (65,078 square feet).

*LAND USE AND ZONING:*

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Shopping Plaza | "G-4" (Designed Neighbourhood Shopping Area) District, modified |
| Surrounding Lands | | |
| to the north | Automotive repair shop and automotive dealership | "HH" (Restricted Community Shopping and Commercial, etc.) District, modified |
| to the south and east | single family dwellings | "B" (Suburban Agriculture and Residential, etc.) District |
| to the west | McDonald's restaurant and gas bar | "HH" (Restricted Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District |

*OFFICIAL PLAN:*

The subject lands are designated **Commercial** on Schedule "A" - Land Use Concept of the Official Plan and located within Special Policy Area 46 on Schedule "B" - Special Policy Areas. The following policies, among others, apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.8 Council recognizes SHOPPING CENTRES as appropriate forms of Commercial development necessary to the economic health of the City and Region. In this regard, Council will utilize the following classifications of SHOPPING CENTRES, where applicable, in the preparation of Neighbourhood Plans:

iv) A Neighbourhood SHOPPING CENTRE will have a gross floor area of 2,000 square metres to a maximum of 14,000 square metres;

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;

ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,

iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.9.3.41 Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule 'B' - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses, such as, restaurants, will be prohibited. Further, vehicular access on to Ryckman Street from the affected lands will be prohibited."

The proposal does not comply with the intent of the Official Plan. If the application is approved, an amendment would be required to modify Special Policy Area 46.

***NEIGHBOURHOOD PLAN:***

The approved Allison Neighbourhood Plan designates the subject lands "Neighbourhood

Commercial (No High Traffic Generators)". Approval of this application will require a redesignation to "Commercial".

***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority and the Traffic Department have advised they have no objections.

- The Building Department advises:

  "1. It is recommended that the special requirements of the existing By-Law 89-246 still be applicable.

  2. Due to the differences of the provisions of the zoning districts with respect to building height and yards, these restrictions may be required to be included in the zoning amendment.

  3. With respect to uses, restrictions may be required for such uses as billiard rooms, penny arcades, public halls, roof signs and ground signs."

- The Roads Department advises:

  "There are public watermains available on Rymal Road East to provide service to the subject property. Storm and sanitary sewers are also available on Rymal Road East abutting the property. From a servicing point of view there is no objection to the zoning change.

  Transportation's Comments

  All previous details of site development were done under Site Plan Application DA-89-79.

  In the absence of any details provided, any works which may occur within the adjacent road allowances must conform to the respective Streets By-Law."

***COMMENTS:***

1. The proposal conflicts with both the Official Plan and the approved Allison Neighbourhood Plan.

2. The intent of Official Plan Amendment No. 76 and By-law No. 89-246 is to specifically recognize the subject lands for a neighbourhood shopping centre with no provision for high traffic generating uses (ie. restaurants, places of assembly, etc.). In this regard, the

subject lands are located at the entrance of a low density single-family neighbourhood and, as such provide an appropriate location for neighbourhood-based retail plaza as presently exists.

The applicant initially requested a rezoning to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified to exclude a restaurant. Subsequently, the application was amended to a further modification to the "G-4" (Designed Neighbourhood Shopping Centre) District to permit a number of additional uses (see APPENDIX "B" attached). While a few of these uses could be considered as neighbourhood-type commercial uses (ie. florist, video store, gift store), the majoritity were not. In fact, a number of uses are high traffic generators (ie. liquor store and beer stores). Further, the proposed uses are highway-oriented and not neighbourhood based retail uses and are, therfore more suitably located and are permitted uses on the "HH" (Restricted Community Shopping and Commercial, etc.) District and the "G-1" (Designed Neighbourhood Shopping Centre) District, modified lands to the north and west.

3. The amended application cannot be supported for the following reasons:

- it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan;

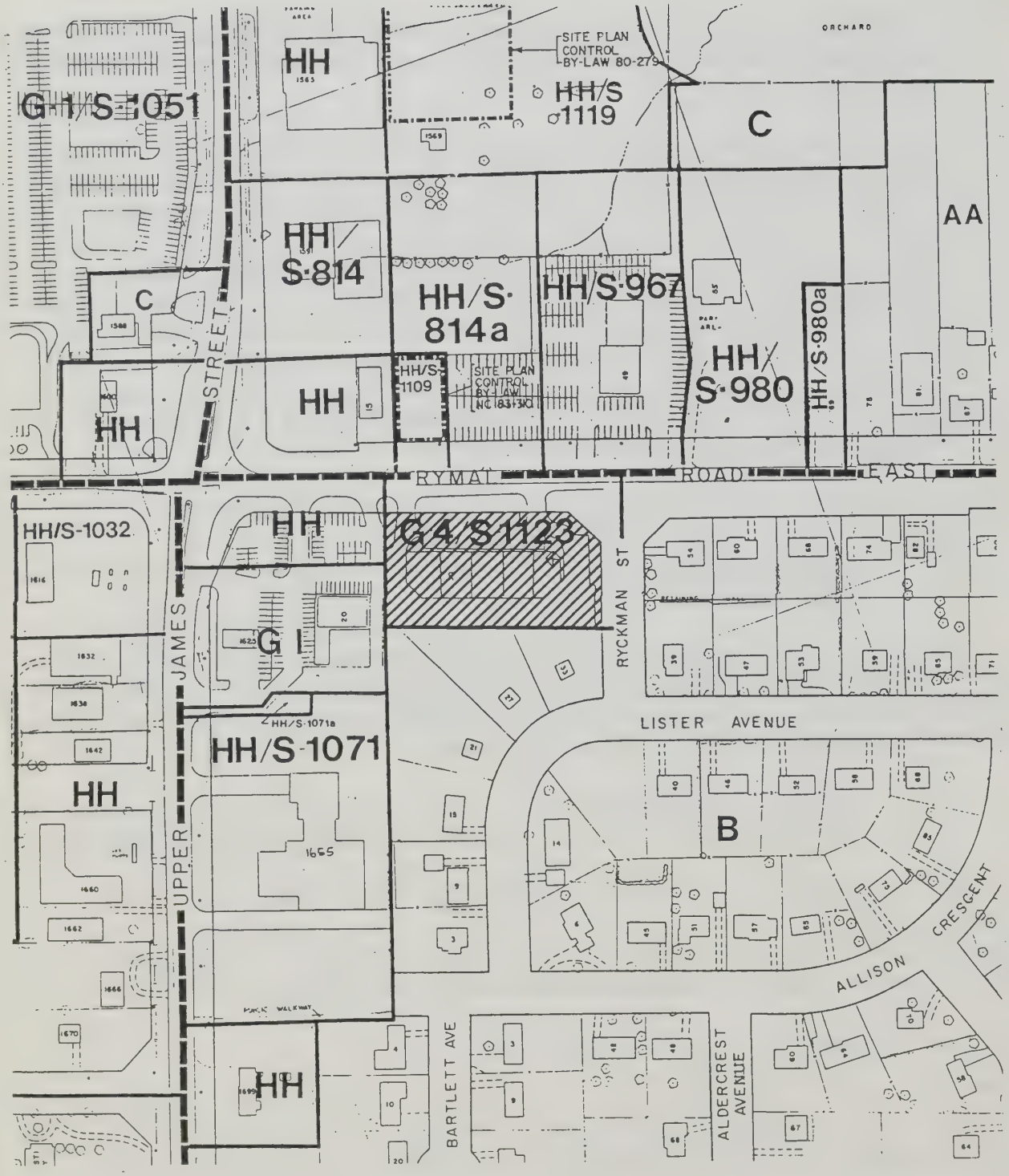
- it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators; and,

- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and zoning by-law.

## *CONCLUSION:*

Based on the foregoing, the amended application cannot be supported.

CLF/
ZAC-95-05




**Legend**

Site of the Application

ZAC-95-05

APPENDIX A

APPENDIX B

30 Rymal Road East

Additional uses to be permitted on the subject property:

1. Second hand goods shop
2. Pawnbrokers shop
3. Bicycle sales and rentals
4. Shoe store
5. Sporting goods store
6. Pet store
7. Pet food store
8. Household furnishings, paint and wallpaper
9. Household furniture
10. Household appliances
11. Art gallery
12. Business or profession person's office
13. Radio, electronic and television sales
14. Video rental outlet
15. Jewellery store
16. Cameras and photographic supplies
17. Gift and novelties store
18. Hobby and/or crafts store
19. Luggage and leather store
20. Musical instrument sales and repairs
21. Ooptician and optical goods store
22. Records/tapes/cds store
23. Computer and hardware sales and service store
24. Blueprinting, duplicating and printing
25. Auto parts and accessories but no repairs
26. Store fixtures, new and used
27. Brew your own beer and wine
28. Liquor and beer stores
29. Locksmith
30. Veterinary clinic
31. Florist
32. Office supplies and furniture
33. Driving school
34. Day nursery
35. Post office
36. Butcher shop
37. Travel agency
38. Book stores
39. Training centre
40. Ice cream parlour/cakes

AF/Mar.15/95

2.

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** May 15, 1995
ZAC-95-08
North End East Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Request for an Official Plan Amendment and change in zoning for lands located at No. 220 & 222 Burlington Street East.

***RECOMMENDATION:***

That Zoning Application 95-08, Centennial Credit Union Limited, prospective owner, requesting an Official Plan Amendment to create a Special Policy Area to permit a Financial Institution within a Residential Designation and a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District to permit a Credit Union, for lands located at 220 & 222 Burlington Street East, shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) It conflicts with the intent of the approved North End East Neighbourhood Plan in that the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL";

ii) The proposal would not be compatible with the existing residential development in the surrounding area;

iii) There is an adequate supply of appropriately designated and zoned lands in the North End Neighbourhoods to accommodate the proposed use (i.e. "J" District lands to the north and "K" District lands to the east);

iv) The proposed use is considered a high traffic generator, and its location would have a negative impact on the current roadway pattern and increase traffic congestion on Burlington Street; and,

v) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

V. Abraham

J. G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*APPLICANT:*

Centennial Credit Union Limited, prospective owner.

*BACKGROUND:*

- Proposal

  The applicant, Centennial Credit Union Limited, has applied for an amendment to the City of Hamilton Official Plan and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District regulations, for lands located at 220 & 222 Burlington Street East, shown on the attached map marked as APPENDIX "A". The purpose of the application is permit the redevelopment of the subject lands for a Credit Union. The subject lands are presently developed with single-family residential dwellings.

  Centennial Credit Union has a long history with the North End Neighbourhood communities. The original charter members were employees from the company of International Harvester (See APPENDIX "B" - excerpt from "Historical Review").

- Zoning Application 89-110

  A previous application was submitted by a former owner of 220 Burlington Street East, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to legalize the established three(3) family dwelling on the subject lands. City Council at its meeting held Tuesday, February 27, 1990, approved the Planning and Development Committee's recommendation to deny the application as recommended.

*LOT SIZE AND AREA:*

- 20.74 (68.06 ft.) of lot frontage on Burlington Street;
- 54.91 m (180.16 ft.) of lot depth; and,
- 1146.75 $m^2$ (12,344.0 S.F.) of lot area.

***LAND USE AND ZONING:***

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Residential | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District |
| Surrounding Lands | | |
| to the north | Industrial | "J" (Light and Limited Heavy Industry, etc.) District, |
| to the west, east, and south | Single-Family Dwellings | "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District |

***OFFICIAL PLAN:***

The subject lands are designated ***Residential*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

The subject lands are also located within Special Policy Area 3 on Schedule B - Special Policy Areas. The following policies should also be noted:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and

protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;"

The applicant wishes to construct a "Commercial Credit Union" on the subject lands. Based on policy A.2.2.25, the proposal conflicts with the intent of the Official Plan as a "Commercial Credit Union" is not considered a **Local Commercial** use which serves the daily retail needs of residents. In addition, policy A.2.9.3.1 states that the Residential function should be strengthened within Special Policy Area 3 on Schedule "B".

The Central Area Plan designates the subject lands for "Neighbourhood Residential". These areas should be preserved as prime residential locations.

An Official Plan Amendment is required to permit the proposed "Commercial Credit Union" on the subject lands.

***NEIGHBOURHOOD PLAN:***

The lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved North End East Neighbourhood Plan. The proposal conflicts with the intent of the Plan. If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".

***RESULTS OF CIRCULARIZATION:***

- The following Agencies have no comment or objection:

  - Union Gas; and,
  - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "1. Approval of this application could set a precedent for future strip commercial development along Burlington Street which is in conflict with the approved neighbourhood plan for this area.

  2. The subject property is located on the south side of Burlington Street immediately west of the raised concrete median at the intersection of Burlington Street and Wellington Street. Presently, the location of the raised concrete median permits left turns into the parking area located on the north side of Burlington Street.

Considering the location of the subject property and the type of land use proposed, a financial institution which is as high generator, we anticipate a significant demand for westbound left turns from Burlington Street into the site. These left turns, if permitted, will conflict with left turns into the parking area on the north side of the street and increase traffic congestion on Burlington Street.

For these reasons we cannot support the proposed change in zoning to permit a financial institution in this location."

- The Building Department has advised that:

"1. Our records show a single-family dwelling constructed in 1989 on the lands at 220 Burlington Street East and another dwelling built prior to 1950 at 222 Burlington Street East. The merger of the title to these lands would create a violation of Section 4(3)(a) of the Zoning By-law.

2. The site will be surrounded by a residential zone. The applicant should be aware of the requirements of Section 18A of Zoning By-law regarding the required setbacks, landscaping and visual barrier requirements for parking and manoeuvring areas."

- The Roads Department has advised that:

"...There are no road allowance widenings anticipated on Burlington Street adjacent to these lands.

Any works which may occur within the Burlington Street road allowance must conform to the City of Hamilton Street By-law.

...our Environmental Services Department advises that there is sufficient capacity in the watermains on Burlington Street to service this development.

However, we advise that the existing combined sewers have insufficient capacity resulting in flooding problems in the area. It is intended that the sewers be separated in 1996, however given the required budgeting and approvals process, this cannot be guaranteed at this time.

Any additional development in the area is inadvisable under present circumstances. In order to ensure that any development proposal does not exasperate the problem a condition of rezoning must include a requirement that a study be provided to the satisfaction of the Commissioner of Transportation/Environmental Services that clearly demonstrates that any intended use will have no negative impact on the existing system and any properties serviced by it.

This requirement can be enforced through a requirement of site plan approval or alternatively through a holding provision to the zoning by-law.

The applicant should be aware of the potential for property damage that exists as a result of the current situation and must hold the Region harmless for any damage that may occur as a result of any redevelopment of the property."

*COMMENTS:*

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an amendment to create a "Special Policy Area" to permit a financial institution within a "Residential" designation. In this regard the applicant has applied for an Official Plan Amendment.

2. The proposal conflicts with the intent of the approved North End East Neighbourhood Plan in that the lands are designated "SINGLE AND DOUBLE RESIDENTIAL". If approved a redesignation would be required from "SINGLE AND DOUBLE RESIDENTIAL" to "COMMERCIAL".

   The Central Area Plan designates the subject lands for "Neighbourhood Residential". It is the intent of the plan that these areas be preserved as prime residential locations.

3. The proposal cannot be supported for the following reasons:

   i) It conflicts with the intent of the approved North End East Neighbourhood Plan in that the subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL";

   ii) The proposal would not be compatible with the existing residential development in the surrounding area;

   iii) There is an adequate supply of appropriately designated and zoned lands in the North End Neighbourhoods to accommodate the proposed use (i.e. "J" District lands to the north and "K" District lands to the east, as verified by the Building Department);

   iv) The proposed use, a high traffic generator, and location would have a negative impact on the current roadway pattern and increase traffic congestion on Burlington Street; and,

   v) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

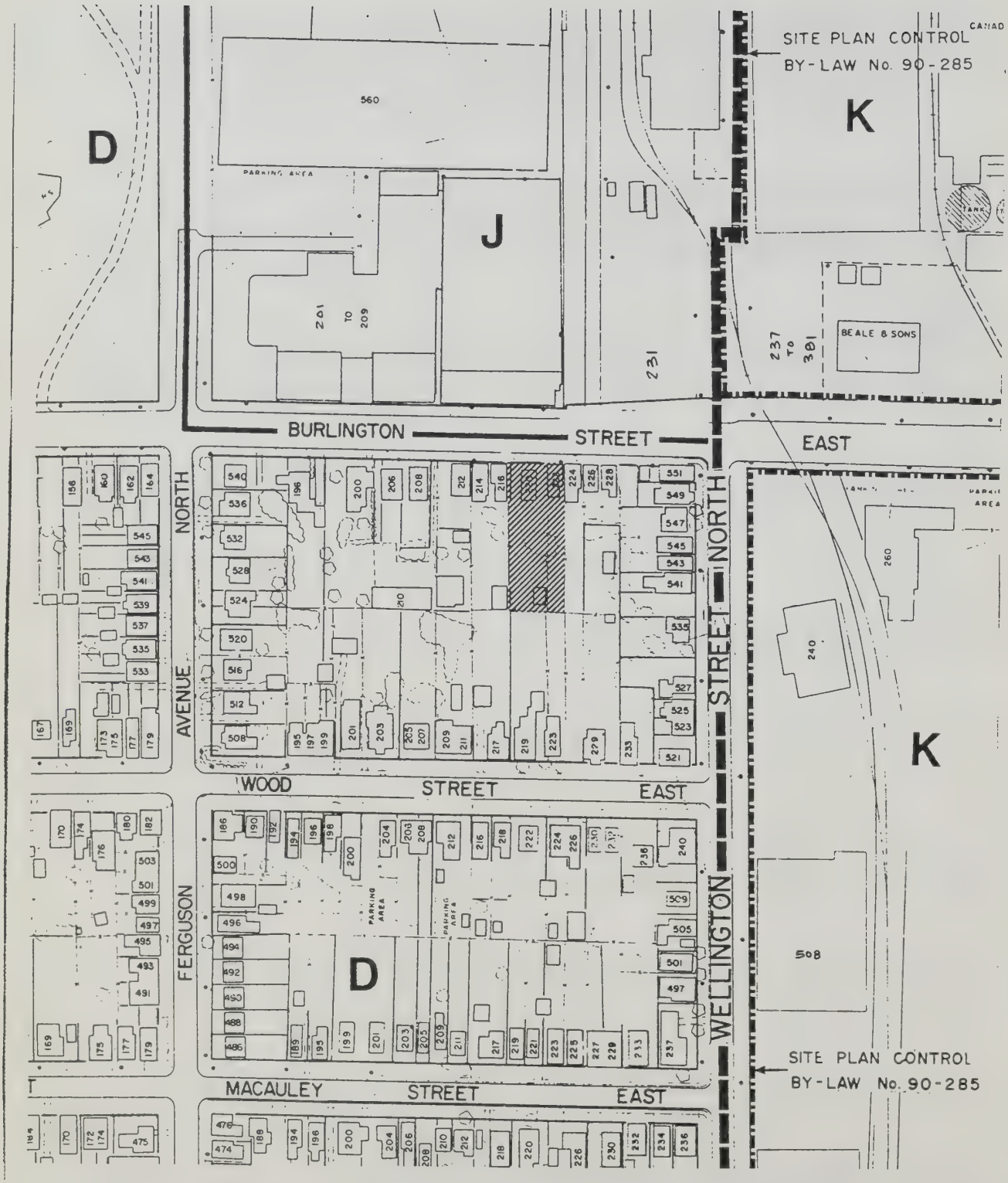
In addition to the above, as indicated by the Roads Department, the existing combined sewers servicing the subject lands have insufficient capacity, and redevelopment under these circumstances is not advisable. In this regard, should the Committee and Council find the rezoning favourable, the 'H' - holding provision of Section 36 of the Planning

Act should be applied. Removal of the 'H' - holding symbol should be conditional upon a study being undertaken by the owner/applicant demonstrating that any intended use will have no negative impact on the existing system and any properties serviced by it, to the satisfaction of the Commissioner of Transportation/Environmental Services.

***CONCLUSION:***

Based on the foregoing, the application cannot be supported.

JL/jl
WPZAC9508


SITE PLAN CONTROL
BY-LAW No. 90-285
D
J
K
560
PARKING AREA
201 TO 209
231
237 TO 301
BEALE & SONS
BURLINGTON STREET EAST
NORTH AVENUE
NORTH STREET
WOOD STREET EAST
FERGUSON
WELLINGTON
MACAULEY STREET EAST
240
260
508
SITE PLAN CONTROL
BY-LAW No. 90-285
Legend
Site of the Application
ZAC-95-08
APPENDIX A

# HISTORICAL REVIEW

**International Harvester Works Employees' Co-Operative Credit Society Limited** was incorporated on **November 18, 1935**. The charter members were employees from the company of International Harvester.

The credit union commenced its operation on January 2,1936. The credit union was a *closed bond credit union servicing only the employees of International Harvester and their families in Hamilton* plus the employees of the Credit Union.

In **1944** the credit union was approached by the **International Harvester Twine Mills Employees' Co-Operative Credit Society Limited** to purchase their assets. In order to do this, **International Harvester Works Employees' Co-Operative Credit Society Limited** would have to change their name. On **October 28, 1944** the official name of the credit union was **INTERNATIONAL HARVESTER EMPLOYEES' CREDIT UNION LIMITED.**

In **1958** the bond was changed to cover International Harvester Employees in Burlington. In **1988** the credit union once again had to change its name. This was due to the purchase of International Harvester by J I Case. The credit union had to disassociate themselves with the International Harvester name. The new and current name of the credit union is **CENTENNIAL CREDIT UNION.**

3(a)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 May 16
(CD-95-001)

***REPORT TO:*** Mrs. Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Rental Housing Protection Act Application CD-95-001
174 Herkimer Street (Durand Neighbourhood)

***RECOMMENDATION:***

That Rental Housing Protection Act Application CD-95-001, Roy Megna (In Trust), owner, to convert the property known municipally as No. 174 Herkimer Street from 19 rental units to 19 condominium units, be **DENIED** for the following reasons:

i) approval of the application would have an adverse impact on the supply of similarly priced units with the Downtown Core Zone and the City of Hamilton. The availability of similarly priced units within the rental stock is quite limited;

ii) there are no vacant similarly priced units within the Downtown Core Zone. Opportunities to relocate the existing tenants to similarly priced units in the Downtown Core Zone do not exist; the opportunities for relocation within the City are severely limited; and,

iii) As ownership units, the income required to afford the condominiums would be nearly double the income required to rent the unit. Conversion of the units to condominiums would remove rental opportunities affordable to lower income persons from the rental supply.

V. J. Abraham

P. Mistafa
A/CAO

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

***Owner***

Roy Megna, In Trust.

***Existing Building***

The property is a five-storey building constructed in 1960. The building consists of nineteen apartments, all of which are two-bedroom units. All of the units are occupied by tenants.

***Nature of the Application***

The applicant is seeking to convert the building to condominium units under the Rental Housing Protection Act, for the property at 174 Herkimer Street (refer to attached map). According to the agent for the applicant, the units will sell for "less than $100,000". The applicant's agent has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants in January of 1995. A meeting organized by the applicant was held with the tenants on January 23, 1995 to explain the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing, and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

- enclosure of the exterior balconies;
- landscaping improvements including repair/replacement of walkways;
- replacement of some of the existing windows;
- appliance upgrades; and,
- various repairs as necessary (flooring, doors, kitchen and bathroom hardware).

The applicant has prepared a financial package for existing tenants to purchase their units. The package includes the following:

- a reduction in purchase price (from the appraised market value) of either $4,000 or five percent of the appraised value - whichever is greater;
- a refund of twenty-five percent of the total rental payment in the previous twelve months prior to the closing for purchase of the unit;
- the option of signing a letter of intent to purchase the unit within a period of three years from the date of approval of the condominium.

Should Council elect to approve the proposed conversion, the above-noted reduction in purchase price should be included as a condition of the approval of the application.

For tenants who elect not to purchase the unit, the applicant is offering the choice of continuing to rent month-to-month; signing a one to four year lease; or having the owners of the property relocate the tenant to another unit.

A record from the meeting with the tenants indicated the following opinions in regard to the conversion to condominium proposal:

| | |
|---|---|
| Tenants In Favour of Conversion to Condominium | - 17 |
| Tenants Not in Favour of Conversion to Condominium | - 0 |
| Vacant Unit | - 0 |
| No Response/Not in Attendance at Meeting | - 2 |
| Total Units | - 19 |

No information is available regarding the number of existing tenants who wish to purchase their unit.

***Rent Details***

All units are two bedroom units. The rents currently in effect range from $434.38 per month to $493.04 per month. The following is a distribution of the monthly rents for the nineteen units:

| | |
|---|---|
| $420 - $439: | 1 unit |
| $440 - $450: | 2 units |
| $460 - $479: | 11 units |
| $480 - $499: | 6 units |

***Pending Applications - Megna Real Estate***

The agent for the owner, Bruno Megna, has submitted a total of nine applications for condominium conversion for properties owned and/or managed by Megna Real Estate. These nine applications include the property that is the subject of this report, No. 174 Herkimer Street. The nine applications are located at the following municipal addresses:

| File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand Neighbourhood) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson Neighbourhood) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East Neighbourhood) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakely Neighbourhood) |
| CD-95-005 | 22 | 352-356 Hunter Street East & 122 Emerald Street South (Stinson Neighbourhood) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park Neighbourhood) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipely Neighbourhood) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown Neighbourhood) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount Neighbourhood) |
| **Total Units:** | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "A" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications; also included in that Appendix is a summary by the various rental zones in which the applications are located.

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of twenty-seven units of one, two, and three bedroom sizes.

***APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:***

The purpose of the Act is to protect the supply of rental housing in the municipality. The Act regulates changes to the supply of rental housing arising from renovation or repair, conversion to condominium and other uses, demolitions, and severances. The subject application involves the conversion of nineteen (19) rental residential units to condominiums; approval of the conversion by Council is required under the Rental Housing Protection Act.

The Rental Housing Protection Act provides Council with the authority to approve changes to the supply of rental housing on one of the following three grounds:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or

iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building. The applicant is proposing to offer a lease to the tenants not wishing to purchase their unit or the relocation to another unit. As the building is occupied by tenants, criteria ii) must be reviewed in regard to this application. In addition, the third criteria, the impact on the supply of rental housing in Hamilton is also relevant and the application must satisfy this criteria should the application be approved.

Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 19 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit;
- pricing of units for sale to tenants at the levels set out in the application;
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act; and,
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

Canada Mortgage and Housing Corporation (CMHC) prepares a Rental Market Report semi-annually. This report is used to ascertain potential impacts on the rental housing market relative to proposed condominium conversions. CMHC has divided the City of Hamilton into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone". The Downtown Core Zone is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street, and on the east by Wentworth Street.

***Rental Housing Supply***

As noted in Appendix "A", the removal of the 19 units, and the additional 224 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.75 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Downtown Zone, the removal of the 19 units, and the additional 99 units in the other RHPA applications submitted by Mr. Megna in this zone, would reduce the overall supply of rental housing. It would represent a reduction 1.10 percent in the 10,665 apartment units (in structures containing six or more units) in the Downtown Zone.

From a broad perspective, the reduction of the overall supply of rental housing is negligible. However, this should be regarded with caution as the monthly rental charges at the nine separate buildings vary considerably and are each targeted at different segments of the rental housing marketplace.

The proposed conversion of the units at 174 Herkimer Street would reduce the supply of rental housing in the City of Hamilton and in the Downtown Core Zone. Within the Downtown Core Zone, the majority of units are at a higher rent than the units in the subject property; these particular units are among the most affordable two-bedroom units within this zone. Similarly, within the City of Hamilton, the majority of two-bedroom units are rented for a much higher rate; similarly priced units are available in limited supply across the City.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton area, as defined by the 1995 Income and Affordable House Price Data Information Bulletin issued by the Ministry of Housing. This bulletin outlines the affordability of rental units and the income percentile within Hamilton-Wentworth for which the units are affordable. The units at 174 Herkimer Street are affordable to the 35th income percentile (approximately). This translates to an income of $19,200 which would be required to rent a unit in this building.

CMHC records the average rent levels for Hamilton and the various zones within Hamilton. The following table identifies the average rent levels for two-bedroom units for the City of Hamilton, the Downtown Core, and the subject property (**note**: Average Rent Levels for October, 1994 is the most recent data available).

**Average Rent Levels**
**October 1994**

| | Total Hamilton | Downtown Core Zone | Subject Property |
|---|---|---|---|
| Two-Bedroom Unit | $574 | $603 | $473.22 |

The monthly rents for the subject property are much lower than the average rents for Downtown Core Zone and the City of Hamilton. Because of the low rents, the issue of opportunities for relocating existing tenants to comparably priced units must be examined. The following table shows the number of similarly priced units in the City of Hamilton and the Downtown Core; the figure in brackets beside the number of units shows the number of vacant units in the area in that price range.

**Rental Stock and Vacant Units**
**October 1994**

| Rental Range (Monthly) | Total Hamilton (vacant) | Downtown Core Zone (vacant) | Subject Property (vacant) |
|---|---|---|---|
| $420-$439 | 250 (0) | 0 | 1 |
| $440-$459 | 236 (0) | 59 (0) | 1 |
| $460-$479 | 483 (11) | 127 (0) | 11 |
| $480-$499 | 502 (0) | 117 (0) | 6 |
| $500-$539 | 1940 (29) | 571 (16) | 0 |
| $540-$579 | 4455 (134) | 673 (20) | 0 |
| $580-$619 | 2356 (30) | 759 (0) | 0 |
| $620-$659 | 1801 (21) | 654 (11) | 0 |

There are no vacant similarly priced units within the Downtown Core Zone of Hamilton to which the existing tenants could be relocated. Similarly, within the City of Hamilton, there are only eleven vacant units within the mid-price range of the current rental rates for the subject property. The opportunities for tenants to locate to similarly priced units within the Downtown Core are nil; the opportunities within the City as a whole are severely limited.

In terms of other similarly priced rental stock, the majority of units in the City and the Downtown Core Zone are higher priced than the units in the subject property. The above table clearly shows that the majority of the comparable rental stock is priced higher than the units in the subject property. Comparable units would cost in the order of $100 per month more in rent for a similar unit to that in the subject property.

***Vacancy Rates***

If this application were to be approved, the removal of the nineteen units from the rental stock would lower the vacancy rate for the City by a negligible amount: less than 1/1,000th of a percentage (the current vacancy rate for the City is 2.944%). Within the Downtown Core Zone, the approval of this application would lower the vacancy rate from 2.944% to 2.882%; a reduction of 0.062%. The post-conversion vacancy rate will remain above 2.0%, which is considered indicative of a healthy rental market.

***Potential Alternative Accommodation***

As noted previously, the units at 174 Herkimer Street are among the lowest in terms of rental cost in the Downtown Core Zone. For the lowest priced units, alternative accommodation within this zone is not available. With the remainder of the units, there is an existing, limited rental supply within the City and the Downtown Core Zone. However, vacant units are in short supply and opportunities to relocate the existing tenants, at the same rent and in the same area, are quite restricted.

***Summary***

The review of the vacancy rates and the rental price of the units at 174 Herkimer Street has shown that there will be a negative impact on the rental marketplace and the existing tenants should Council approve this application for conversion. In particular, approval of the application would reduce the supply of rental units in this price range within the Downtown Core Zone; it is noted that the supply of units at this price range is quite limited. In addition, the opportunity for relocating the existing tenants to similarly priced units within this area of the City is quite limited.

Regarding the vacancy rates, the approval of this application would reduce the vacancy rates in both the City as a whole and the Downtown Core Zone. However, the vacancy rates in both the zone and the City would remain above two percent, should the application be approved.

***AFFORDABILITY OF THE CONVERTED UNITS:***

The applicant has indicated that the units will sell for less than $100,000. According to the 1995 Income and Affordable House Price Data Information Bulletin, the converted units would be "affordable" as ownership dwellings to persons within the 43rd income percentile earning $37,800 per year (approximately). While the units are considered "affordable" for home ownership, the conversion would eliminate the affordable rental opportunity provided to a greater segment of the marketplace.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that opportunities for similarly priced accommodation will be difficult to obtain. The applicant's agent has offered tenants who elect not to purchase their unit the following options:

- signing a one to four year lease for the tenant's current unit;
- the owner finding and arranging new accommodation; or,
- continuing their present month-to-month tenancy.

**COMMENTS:**

1. As stated previously, the application must satisfy Criteria ii) and Criteria iii) for approval under the Rental Housing Protection Act.

   i) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area;

   There are no vacant similarly priced units within the Downtown Core Zone; within the City as a whole there are only eleven vacant units in the price range of these units. Opportunities to relocate the existing tenants to similarly priced units in the Downtown Core Zone are nil; opportunities for relocation within the City are severely limited. While the applicant may be able to relocate the tenants to another area of the City, there are no opportunities within the Downtown Core Zone for relocation of the tenants at their current rent. The applicant is not creating new rental units; accordingly, this criteria cannot be satisfied.

   ii) Criteria iii): in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

   Approval of the application would have an adverse impact on the supply of affordable rental housing units within the Downtown Core Zone and the City of Hamilton. Specifically within the Downtown Core Zone, the availability of similarly priced units within the rental stock is quite limited; in the case of the lowest priced unit there are no other units within that price range in the Downtown Core. The majority of units are priced approximately $100 per month higher than those in the subject property.

   Therefore, the application will have an adverse impact on the supply of affordable rental housing in the City and the Downtown Core and the application does not fulfil Criteria iii).

iii) The units, as rental apartments, are affordable to persons earning approximately $19,200 per year. As ownership units, the income required to afford this condominium would be $37,800 or nearly double the income required to rent the unit. Conversion of the units to condominiums would remove rental opportunities affordable to lower income persons from the rental supply. As previously noted, there is a restricted supply of similarly priced units in this area of the City and the City as a whole. Conversion of these units would negatively impact an already restricted supply of affordable rental housing for persons within the lower income range within Hamilton and the Downtown Core.

It should be noted that the Comprehensive Set of Policy Statements issued with the Planning and Municipal Statutes Act sets guidelines for municipalities to incorporate affordable housing within new development. Specifically, the Policy Statements require housing to be provided that is affordable to both the thirtieth and sixtieth percentile of the population. While this proposal is not new development, the conversion of the units and removal of housing affordable to the 35th percentile of residents in this zone cannot be considered as consistent with the Provincial policies respecting affordable housing.

The application does not meet two of the criteria for conversion to condominium as outlined in the Rental Housing Protection Act. Further, there will be a negative impact on the supply of affordable housing within the rental zone and the City. Accordingly, the application cannot be supported.

2. The applicant has also submitted an application for a plan of condominium under the Planning Act. This application will be brought forward to the Planning and Development Committee after the decision has been made on the application under the Rental Housing Protection Act. The Rental Housing Protection Act requires Council to make a decision on the conversion under this act before the application made under the Planning Act can be considered.

**CONCLUSION:**

On the basis of the foregoing, the application cannot be supported.

MLT/

## APPENDIX "A"

The following is the impact on the vacancy rate, for the City as a whole and by rental zone, should the nine applications on behalf of Megna Real Estate be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer Street (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King Street (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352-356 Hunter E.; 122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Road East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catherine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 31,154 |
| No. of Vacant Units: | 733 |
| Vacancy Rate, October 1994: | 2.353% |

b) *If All 243 Units under the nine applications were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 30,911 |
| No. of Vacant Units: | 717 |
| Vacancy Rate, after units removed: | 2.320% |

Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

Four of the applications submitted are within Zone 1 - the Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - the Downtown Core, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in Hamilton Central East would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain - as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

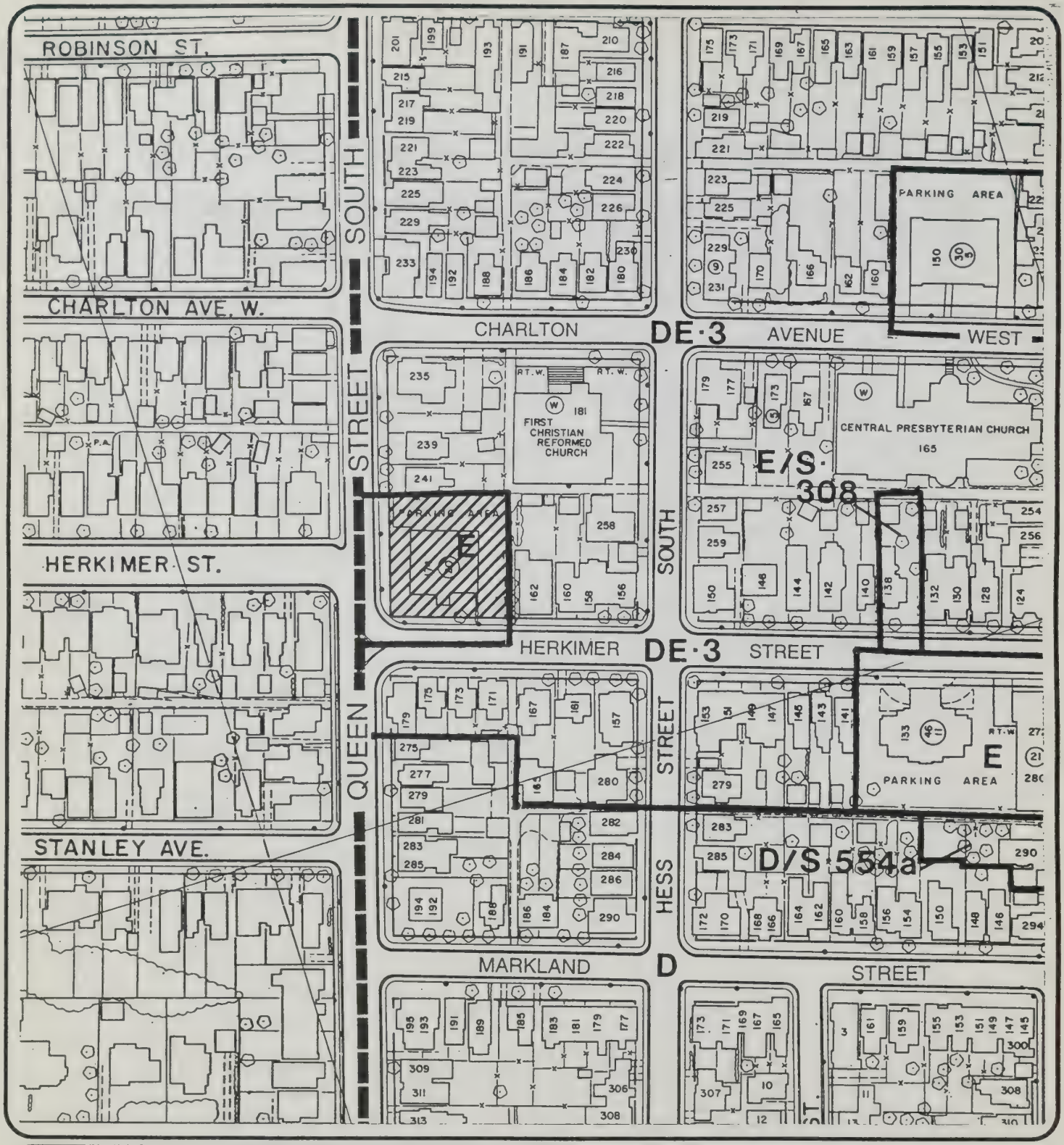
a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock on Hamilton Mountain would reduce the vacancy rate by 0.006%.




**City of Hamilton**

# Key Map

## Rental Housing Protection Act

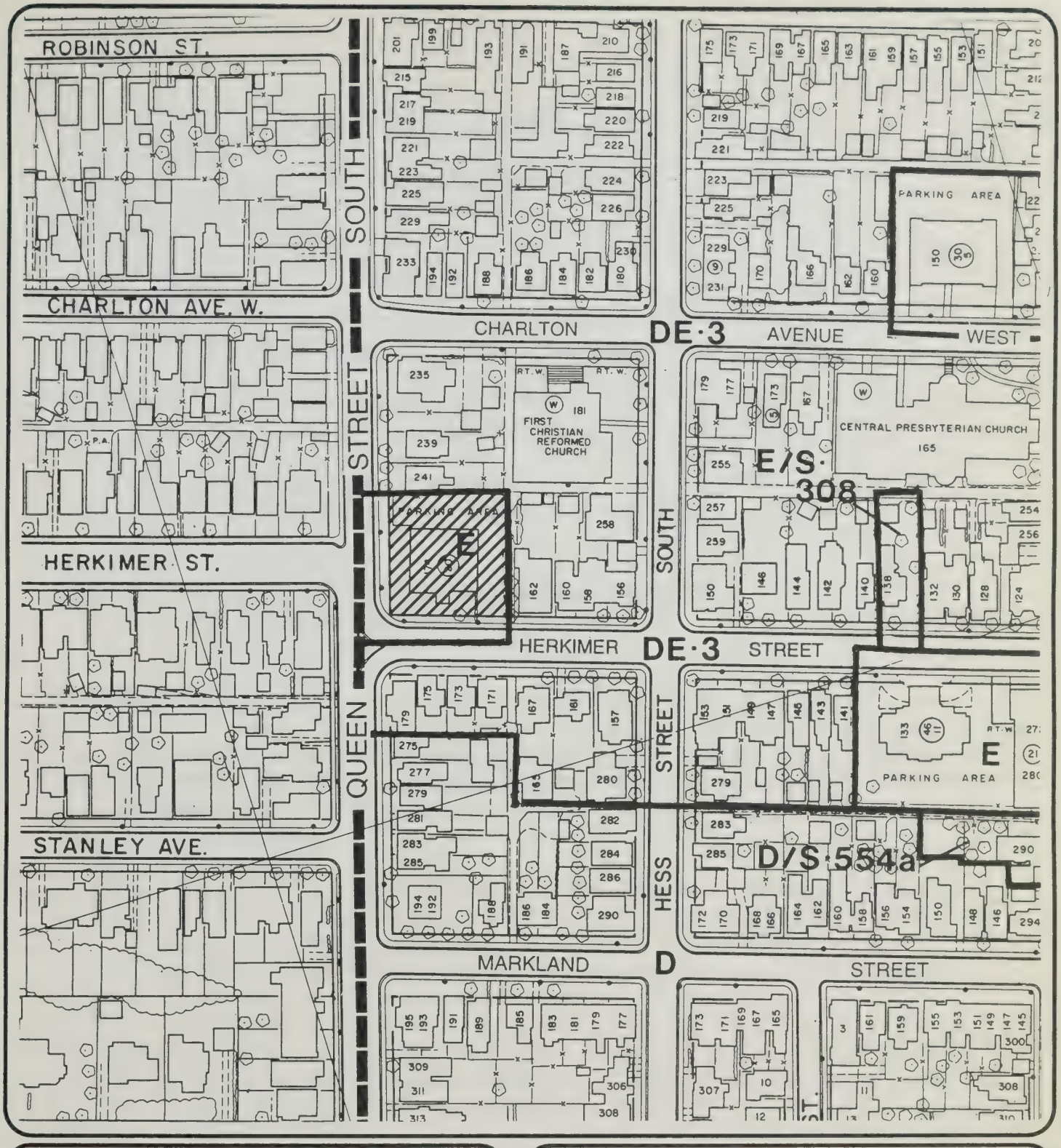
174 Herkimer St.

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-001 |
| | Date | Drawn By |
| | MAY 1995 | Z.K. |




# City of Hamilton

## Key Map

### Rental Housing Protection Act

174 Herkimer St.

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-001 |
| | Date | Drawn By |
| | MAY 1995 | Z.K. |

3(b)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 May 16
(CD-95-002)

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V.J. Abraham, MCIP, RPP
Director of Local Planning

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

***SUBJECT:*** Rental Housing Protection Act Application CD-95-002 -
93 Emerald Street South, Stinson Neighbourhood

***RECOMMENDATIONS:***

1. That approval be given to Application CD-95-002, under the Rental Housing Protection Act, Bruno Megna (In Trust), owner, for conversion of 20 rental apartment units to condominium units for property located at 93 Emerald Street South, subject to the following conditions:

   (a) That the Owner offer, in writing, to the Tenants named in Appendix "A", the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

      (i) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

      (ii) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

      (iii) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

      (iv) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;

(c) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

***Owner***

Bruno Megna (in Trust)

***Existing Buildings***

The property is comprised of one apartment building, five storeys in height and with a total floor area of approximately 13,608 square feet. The ground floor consists of carports and garages. A total of 20 rental apartment units are contained within the building, including 16 one-bedroom units, and four bachelor units. As of February 22, 1995, when the application was submitted, none of the 20 units were vacant. As of May 8, 1995, one 1-bedroom unit was vacant.

The building was constructed in 1968, and appears to be in reasonably sound condition, from its appearance as viewed from the exterior. The Building Department states there are no outstanding work orders for the property.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 93 Emerald Street South in Hamilton was submitted to the City on February 24, 1995. The subject property is shown on the attached key map. The proposal is to convert 20 rental apartment units to condominium. The applicant has indicated the 4 bachelor units and 16 one bedroom units will be sold for a minimum of $4,000 or 5% less than the appraised value. Purchasers will receive a 25% refund of their total rental payment made during the last 12 months prior to the purchase.

A related application for draft plan of condominium was submitted for the same property on March 27, 1995, file number CDM-CONV-95-002. Council must make a decision regarding the application under the Rental Housing Protection Act for this property, prior to final approval being given on the plan of condominium. Therefore, this application will be dealt with by the Planning and Development Committee at a later date.

***Pending Applications - Megna Real Estate***

The agent for the owner, Bruno Megna, has submitted a total of nine applications for condominium conversion for properties owned and/or managed by Megna Real Estate. These include 93 Emerald St. S., and are located at the following municipal addresses:

| File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand Neighbourhood) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson Neighbourhood) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East Neigh.) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley Neighbourhood) |
| CD-95-005 | 22 | 352-356 Hunter St.E. & 122 Emerald St.S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park Neighbourhood) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley Neigh.) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown Neigh.) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount Neighbourhood) |
| **Total Units:** | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. An analysis has been done of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications, which is contained in Appendix "D" of this report. This analysis also includes a summary of impacts by each of the rental zones in which the applications are located.

The Planning and Development Department has also received one additional application for conversion to condominium, for property at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units of various sizes.

***Proposed Conversion Details***

The applicant, in correspondence to tenants dated January 11, 1995, indicated renovations will occur to each of the units and the buildings upon approval of the RHPA application and registration. Details of the proposed renovations were provided to Planning and Development Department staff on February 24, 1995, along with the application. Copies of this information package are available upon request from the Committee Secretary. These renovations include the following:

Exterior Improvements:

- All the windows will be replaced with new vinyl or aluminium thermal paned windows.
- All landscaping will be upgraded.
- Aluminum sliding doors will be repaired or replaced for all the units.

Interior Upgrades:

- All fridges will be replaced with new full sized frost-free fridges.

- All stoves will be replaced with new full sized stoves.
- All water tapes in kitchens and bathrooms will be replaced.
- All bathroom tiles and floors that need to be replaced will be replaced.
- All kitchen floors that need to be replaced will be replaced.
- All interior doors including clothing closet doors will be replace wherever necessary.
- Replace, repair or refurbish all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells including all the rest of the common areas.

The applicant estimated the cost of the above renovations at approximately $3,750 per unit.

The information package was provided to tenants by the applicant, including a letter dated January 11, 1995, inviting them to attend a meeting on January 18, 1995 concerning the conversion to condominium proposal. Information provided to tenants in the package included a list of the proposed renovations, explanation of the purchase price and financing offers, and sample letters for them to indicate their intent to purchase, and other information.

At the January 18, 1995 meeting, six tenants were present, and others were contacted by phone or in person by the applicant to determine their intentions. Tenants who did not attend the meeting were visited and provided with an information package.

The responses of the tenants, as of May 8, 1995, are as follows:

| | |
|---|---|
| Tenant In Favour of Conversion to Condominium | - 8 |
| Not Interested in Buying, for Personal Reasons | - 4 |
| Moving Out, not Interested in Conversion | - 2 |
| Vacant | - 1 |
| Undecided | - 3 |
| Unable to Contact on Several Occasions | - 2 |
| Total Units | - 20 |

The applicant's agent indicated on May 8, 1995 that he will continue to try contacting the tenants who had not responded to the offers. He also noted tenants have moved out of two units, and there are new tenants in these 2 units, who will be asked for their response to the conversion.

***Rent Details***

The monthly rental charges for the units, effective February 22, 1995, are as follows:

- For 4 bachelor units, range from $368.98 to $530.20, averaging $433.74; and,
- For 16 one-bedroom units, range from $443.79 to $737.99, averaging $515.65.

***APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:***

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses,

demolitions and severances. The rental apartment units at 93 Emerald Street South are subject to the Act since the applicant intends to convert the apartment units to condominium.

The Rental Housing Protection Act notes the Council of a Municipality shall not approve an application under the Act unless council is satisfied at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area;
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criterion i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criterion ii) is not applicable as the applicant is not providing any new rental units.

Therefore, based on Criterion iii), Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 20 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. Should Council decide to approve the application, it may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property.

The Province notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit;
- pricing of units for sale to tenants at the levels set out in the application;
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under Section 105 of the Landlord and Tenant Act; and,
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.R. 1000 of the Rental Housing Protection Act if, as noted above, in Council's opinion, the removal of these 20 rental units will not adversely affect the supply of affordable rental housing in the City. Several factors may be used to determine this, including impacts on housing supply, rents, vacancy rates, etc. as outlined in the following.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to determine potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC divides the City into seven geographic zones; the subject property is located within "Zone 1 - Downtown Core Zone". The Downtown Core Zone is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

***Rental Housing Supply***

The proposed conversion of the 20 units would represent a reduction of 0.06 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton; and a reduction of 0.18 percent in the 10,665 apartment units (in structures containing six or more units) in the Downtown Core Zone. This would represent a negligible impact on the overall supply of rental housing in the City and the immediate area.

As noted in Appendix "D", the removal from the rental supply of the 20 units in the subject application, as well as the 223 units in the other eight RHPA applications submitted by Megna Realty, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.75 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton area, as defined by the most recent Income and Affordable Housing Price Information Bulletin (1995), part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton area.

As noted previously, the current monthly rents for the 4 bachelor units range from $368.98 to $530.20, averaging $433.74; and rents for the 16 one-bedroom units range from $443.79 to $737.99, averaging $515.65. Most of the one-bedroom units are affordable to households between the 34th and 38th household income percentile. There are three units with rents of just over $700, which are affordable to households below the 60th percentile of household income. All units fall within the affordable range, and most are quite affordable.

As shown in the table below, the average monthly rents for the bachelor and one-bedroom units in the subject property are close to, and slightly higher than, the average rent levels for Hamilton as a whole, and for the Downtown Core Zone.

**Average Rent Levels - October, 1994**

| | Total Hamilton | Downtown Core Zone | Subject Property (Average) |
|---|---|---|---|
| Bachelor | $388 | $390 | $433 |
| One-Bedroom | $479 | $489 | $515 |

***Vacancy Rates***

The rental apartment vacancy rate for the City of Hamilton was 2.3 percent in October, 1994 (in structures containing six or more units), as reported by CMHC. A vacancy rate between 2.0 percent and 3.0 percent for the municipality is considered by CMHC to indicate a healthy, competitive rental marketplace.

The apartment vacancy rate for the Downtown Core Zone was 2.9 percent in October, 1994. For one-bedroom apartments, the vacancy rate in the City was 2.5 percent, and for the Downtown Core Zone it was 2.8 percent, as of Oct. 1994. For bachelor units, vacancy rates were at 4.4 percent for the City, and 4.5 percent for the Downtown Core Zone. Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and the Downtown Core Zone are within or just above the competitive or healthy range.

Approval of the proposed conversion would increase the vacancy rate very slightly from 2.94 percent to 2.95 percent in the Downtown Core Zone. The proposal would cause the vacancy rate in the City as a whole to remain the same, at 2.35 percent (based on apartments in structures with 6 units and over, from October 1994 CMHC data).

***Potential Alternative Accommodation***

CMHC data was reviewed to determine the extent of similar rental units which would be available to affected tenants. As noted earlier, the 16 one-bedroom units in the subject property have rents ranging from $444 to $738, with most under $500, and an average of $517. As of October, 1994 there were approximately 119 vacant one-bedroom units in the Downtown Core Zone with monthly rent ranging from $400 to $579, and averaging $486. Therefore, there is an adequate supply of alternative rental accommodation within a similar or even lower price range, within the same geographic area as the subject property.

***Summary***

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of various housing market measures, the removal of the 20 rental units would not cause a significant impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Downtown Core Zone. In addition, it does not appear it will be difficult for tenants to secure alternative rental accommodation in the same area and rent range, based on the number of such vacant apartment units.

***AFFORDABILITY OF CONVERTED UNITS:***

The applicant's agent indicated in the application the sale price of the units would be in the "low to mid $50,000 range". This would be well within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995), part of the Comprehensive Set of Policy Statements. For existing tenants, assuming an asking price of $55,000, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of May 12, 1995), these units would be affordable to households

earning between $20,700 and $21,200 annually. On a monthly basis, these carrying charges would range from $519 to $531, which is apprximately the same as the average monthly rental charge of $515 for one bedroom units.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants, as noted previously, include that it will likely not be difficult for them to find replacement accommodation in the same or lower price range, in the same area. According to the information package provided to tenants, the applicant is offering several options and forms of assistance to tenants who wish to buy their unit now, or possibly later. The following options are also being offered to tenants who do not wish to purchase a unit at all:

- A 1 to 4 year lease to guarantee continued rental of their present unit;
- The owners finding and arranging new accommodations; and,
- Continuing their present month-to-month tenancy.

Based on information provided by the applicant about the meeting held with tenants on January 18, 1995, and subsequent discussions with tenants, about half of the tenants are in favour of the conversion.

*COMMENTS:*

As discussed, the removal of the 20 rental units at 93 Emerald St. S. would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Downtown Core Zone.

In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure the existing tenants have available to them a number of acceptable housing options. This might include, for example, providing them with a period of time in which to find suitable replacement accommodation.

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, such as 515 Main St. E., 293 Limeridge Rd. W., and 5-11 Rockwood Place. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase a unit at a maximum specified price.

Concerning the subject application, the applicant has made offers to tenants regarding these and related matters. The resulting list of proposed conditions of approval, in abbreviated form, are as follows, and the complete list of conditions are contained in the Recommendations and Appendices. These are intended to recognize the various options and commitments the owner has made to the tenants of 93 Emerald St. S., regarding the proposed conversion. The applicant's

agent has indicated he is familiar with the scope and nature of the various conditions of approval Council has utilized in previous RHPA applications. The proposed conditions of approval are as follows:

- The owner will offer tenants an option to purchase a unit within three years from the registration on title of the RHPA Approval. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;

- The purchase price, to be negotiated and agreed upon by the owner and tenant, is not to exceed the dollar value assigned to the unit by an accredited appraiser of real property less,

    - $4,000 or 5% less than the appraised dollar value of the unit, whichever is greater; and,
    - 25 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to the date of the Agreement of Purchase and sale is executed between the Tenant and Owner.

- The owner will offer to tenants a lease for a period of not less than three years, at current rents;

- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;

- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;

- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants; and,

- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees.

Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

Following the registration of the Approval Agreement, the owner must also obtain final approval by the City of the plan of condominium for the property, under the Condominium Act. This matter is the subject of a separate application process, and application has been made for approval of the draft plan of condominium.

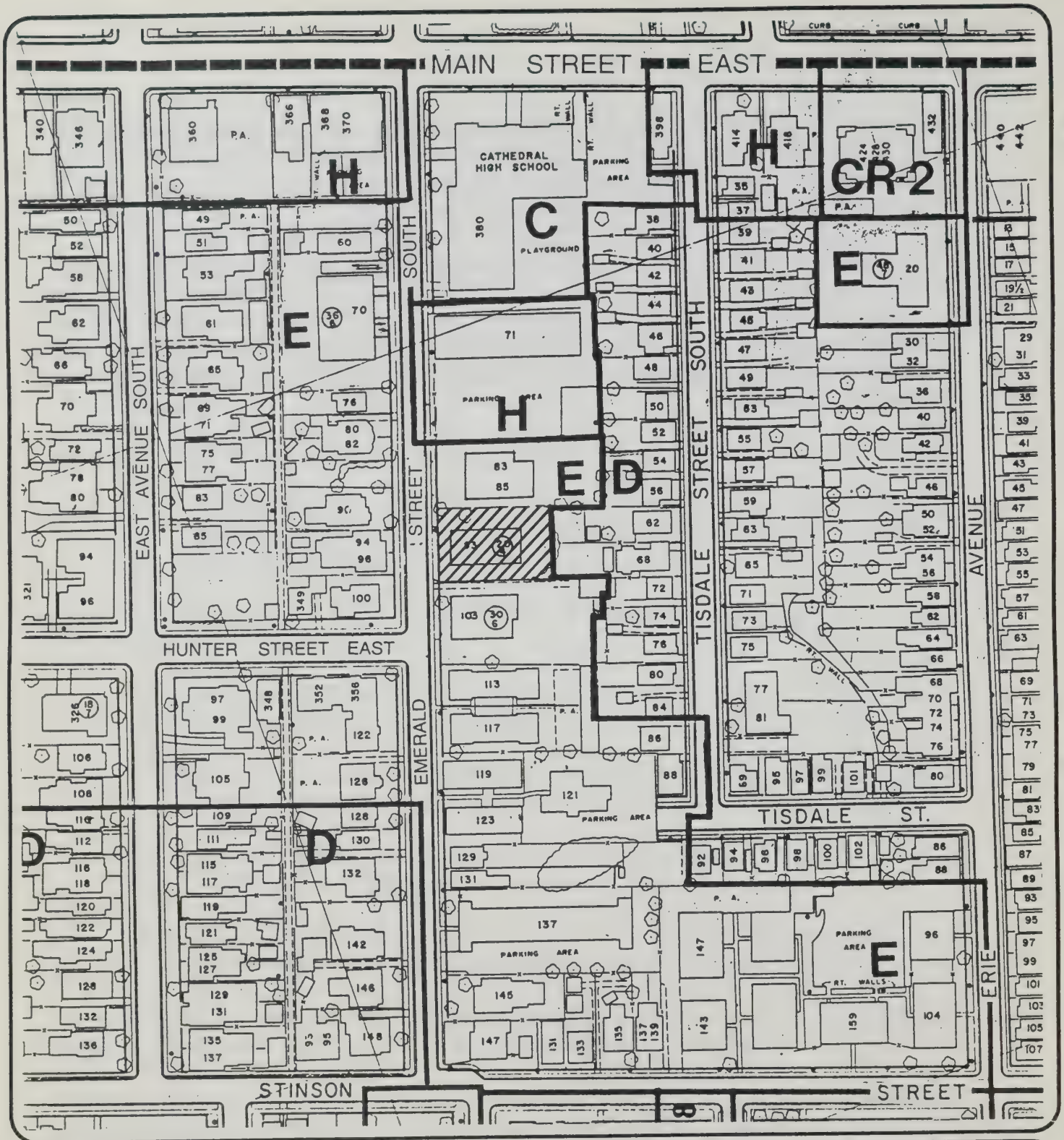
***CONCLUSION:***

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 20 apartment units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Downtown Core. Rental vacancy rates are at

competitive levels and have been for the past several years and there are a large number of similarly priced vacant units available. In addition, the proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As with previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who will be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional one to three year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

vg
CD95002.REP




# City of Hamilton

## Key Map

### Rental Housing Protection Act

93 Emerald St. S.

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-002 |
| | Date | Drawn By |
| | MAY 1995 | Z.K. |

## APPENDIX "A"

## TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY 8, 1995

## 93 EMERALD STREET SOUTH

| | | | |
|---|---|---|---|
| Apt. 201 | (Vacant)<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$498.49 | Apt. 302 | Trevor & Lora Hurtubise<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$530.07 |
| Apt. 202 | Jessie Hardie<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$508.46 | Apt. 303 | Mary Canning<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>Bachelor/$412.05 |
| Apt. 203 | Fred Walton<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>Bachelor/$549.51 | Apt. 304 | Don & Marrell Wood<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$752.79 |
| Apt. 204 | Brian Faubert<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$486.86 | Apt. 305 | Catharine Copeland<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$484.70 |
| Apt. 205 | John Forand<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$514.62 | Apt. 401 | Thomas Blanchard<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$504.76 |
| Apt. 301 | Claudette Hurtubise<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$727.37 | Apt. 402 | Carolyn Vanderschof<br>93 Emerald Street South<br>Hamilton, Ontario<br>L8N 2V4<br><br>One-Bedroom/$538.38 |

Apt. 403
Albert Liebing
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

Bachelor/$437.19

Apt. 404
Brian Burkholder
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$781.04

Apt. 405
Mary Krestynski
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$499.66

Apt. 501
Owner Occupied
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$474.73

Apt. 502
Clem Gagner & Mike Vincent
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$518.44

Apt. 503
David MacIntyre
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

Bachelor/$437.19

Apt. 504
Geraldine Greenwood
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$508.46

Apt. 505
Norman Wreaks
93 Emerald Street South
Hamilton, Ontario
L8N 2V4

One-Bedroom/$491.84

## APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

## APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

## APPENDIX "D"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, October 1994: | 31,154 |
   | No. of Vacant Units: | 733 |
   | Vacancy Rate, October 1994: | 2.353% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,911 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.320% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.

3(c)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 May 15
(CD-95-003)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, MCIP, RPP
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

*SUBJECT:*

Rental Housing Protection Act Application CD-95-003 -
2373 King Street East, Glenview East Neighbourhood

*RECOMMENDATIONS:*

1. That approval be given to Application CD-95-003, under the Rental Housing Protection Act, Roy Megna (In Trust), owner, for conversion of 39 rental apartment units to condominium units for the property located at 2373 King Street East, subject to the following conditions:

   (a) That the Owner offer, in writing, to the Tenants named in Appendix "A", the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

      (i) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

      (ii) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

      (iii) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

(iv) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;

(c) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(g) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

***Owner***

Roy Megna (In Trust)

***Existing Building***

The subject property is comprised of one apartment building, five storeys in height, with a total floor area of approximately 29,000 square feet. The building was constructed in 1971. A total of 39 rental one-bedroom apartment units are contained within the apartment building. As of May 9, 1995, 2 of the 39 units in the building was vacant.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 2373 King Street East was submitted to the City on February 24, 1995. The subject property is shown on the attached key map. The proposal is to convert 39 one-bedroom rental apartment units to condominium. The agent for the applicant has indicated the units will be sold for "in the $60,000 range." The applicant's agent has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

An application for approval of a Plan of Condominium for the subject property has been submitted to the City of Hamilton as well. This application is being held in abeyance until Council has considered this Rental Housing Protection Act application.

***Pending Applications - Megna Real Estate***

The agent for the owner, Mr. Bruno Megna of Megna Real Estate Limited, has submitted a total of nine applications for conversion to condominium for properties owned and/or managed by Megna Real Estate and Insurance Limited. These nine applications include the property that is the subject of this report, 2373 King Street East. The nine applications are located at the following municipal addresses:

| RHPA File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakely) |
| CD-95-005 | 22 | 352-356 Hunter St. E./122 Emerald St. S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipely) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount) |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "D" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications. Also included in Appendix "D" is a summary of the vacancy rate and rental supply implications by the various rental zones of the City.

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants on February 3, 1995 inviting them to attend a meeting on February 8, 1995 explaining the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent on February 24, 1995. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.

d. Aluminum sliding doors repaired or replaced for all units.
e. Parking lot resurfaced.
f. Roof replaced with four ply, tar and gravel.
g. All roof flashing replaced.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water tapes in kitchens and bathrooms replaced.
d. All bathroom tiles and floors that need replacement.
e. All kitchen floors that need replacement.
f. All interior doors including clothing closet doors will be replaced, where necessary.
g. Replace, repair or refurbish all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells including all the rest of the common areas.

A record from the meeting with the tenants indicated the following opinions in regard to the conversion to condominium proposal:

| | |
|---|---|
| Tenants In Favour of Conversion to Condominium | - 28 |
| Tenants Not in Favour of Conversion to Condominium | - 0 |
| Vacant Unit | - 2 |
| No Response/Not in Attendance at Meeting | - 9 |
| Total Units | - 39 |

The applicant's agent has not indicated whether any follow-up contact was initiated for the tenants who were not in attendance at this meeting. Staff have not received any inquiries from the tenants in regard to the condominium conversion proposal.

***Rent Details***

The monthly rental charges for the units, effective February, 1995, are as follows:

- One unit has a monthly rental charge of $557.10; and,
- The remaining 38 units have a monthly rental charge of $579.41.

***APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:***

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 2373 King Street East are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 39 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.R. 1000 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 39 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 2 - Central East Zone". The Central East Zone is bounded on the south by the Escarpment, on the west by Sherman Avenue, on the north by Hamilton Harbour and Lake Ontario and on the east by the Red Hill Valley.

***Rental Housing Supply***

As noted in Appendix "D", the removal of the 39 units, and the additional 204 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.75 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Central East Zone, the removal of the 39 units, and the additional 24 units in the other two RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing. It would represent a reduction 1.90 percent in the 3,312 apartment units (in structures containing six or more units) in the Central East Zone.

From a broad perspective, the reduction of the overall supply of rental housing is negligible. However, this should be regarded with caution as the monthly rental charges at the nine separate buildings vary considerably and are each targeted at different segments of the rental housing marketplace.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The 1995 monthly rents for 38 of the 39 one-bedroom units is $579.41 (February, 1995 to January, 1996, inclusive). This makes the units affordable to households between the 42nd and 43rd household income percentile, according to the Information Bulletin.

**Average Rent Levels**
**October, 1994**

| | Total Hamilton | Central East Zone | Subject Property |
|---|---|---|---|
| One-Bedroom | $479 | $456 | $563 |

As shown in the table above, the one-bedroom monthly rents in the subject property are higher than the average rent levels for Hamilton as a whole and for the Central East Zone. (To be consistent with CHMC data the subject property rent level is shown as at October, 1994).

***Vacancy Rates***

As recorded by CMHC at October, 1994, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Central East Zone was recorded at 3.0 percent in October, 1994. This level is consistent with previous vacancy rate measures for this zone, which have been at or over 2.0 percent since October, 1991. For one-bedroom apartments, the vacancy rate in the City at October, 1994 was 2.5 percent and 3.9 percent for the Central East Zone. Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and the Central East Zone are within the healthy, competitive range.

Within the Central East Zone, approval of this condominium conversion proposal and the other two applications submitted by Mr. Megna within the Central East Zone would lower the vacancy rate marginally to 2.893 percent from 2.989 percent.

***Potential Alternative Accommodation***

As of October, 1994 (latest available data) there were approximately 59 vacant one-bedroom units in the Central East Zone with monthly rent charges in the range of $360 to $479. This indicates there is an adequate supply of alternative rental accommodation at a lower price range and within the same geographic area of the subject property.

***Summary***

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of rental supply, monthly rents, vacancy rates and potential alternative accommodation, the removal of the 39 rental units would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Central East Zone. Moreover, it does not appear it will be difficult for tenants to secure alternative rental accommodation in the same general area of the subject property based on the number of vacant apartment units in a lower rent range.

***AFFORDABILITY OF CONVERTED UNITS:***

The applicant's agent has indicated the sale price of the units "will be in the $60,000 range." This sale price is well within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The units would be affordable to those between the 25th and 26th household income percentile. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of May 12, 1995), one-bedroom units would be affordable to households earning between $22,200 and $22,700 annually. On a monthly basis, these carrying charges would range from $554 to $568, which is slightly less than the present monthly rental charge of $579.41.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that it will likely not be difficult for tenants to find replacement accommodation in the same or lower price range. Noted within the information brochure and confirmed with the applicant's agent, the owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 4 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

In addition, based on the record of the meeting held February 8, 1995, there is support for the proposed conversion by a majority of the tenants.

*COMMENTS:*

As noted previously, the removal of the 39 rental units at 2373 King Street East would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Central East Zone. In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure the existing tenants have available to them a number of acceptable housing options. This might include, for example, providing them with a period of time in which to find suitable replacement accommodation.

Such conditions of approval have been required by City Council in the case of previous RHPA applications, such as 515 Main Street East, 293 Limeridge Road West and 5-11 Rockwood Place. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase a unit at a maximum specified price.

The proposed conditions of approval, in abbreviated form below, are intended to recognize the various options and commitments the owner has made to the tenants at 2373 King Street East in regard to the proposed conversion to condominium. The applicant's agent has indicated he is familiar with scope and nature of the various conditions of approval Council has utilized in previous RHPA applications. The complete list of conditions are contained in the Recommendations and Appendices:

- The owner will offer tenants an option to purchase a unit within three years from the registration on title of the RHPA Approval. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;

- The purchase price, to be negotiated and agreed upon by the owner and tenant, is not to exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,
  - $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
  - 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner;

- The owner will offer to tenants a lease for a period of not less than 3 years, at current rents;

- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;

- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;

- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants; and,

- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees.

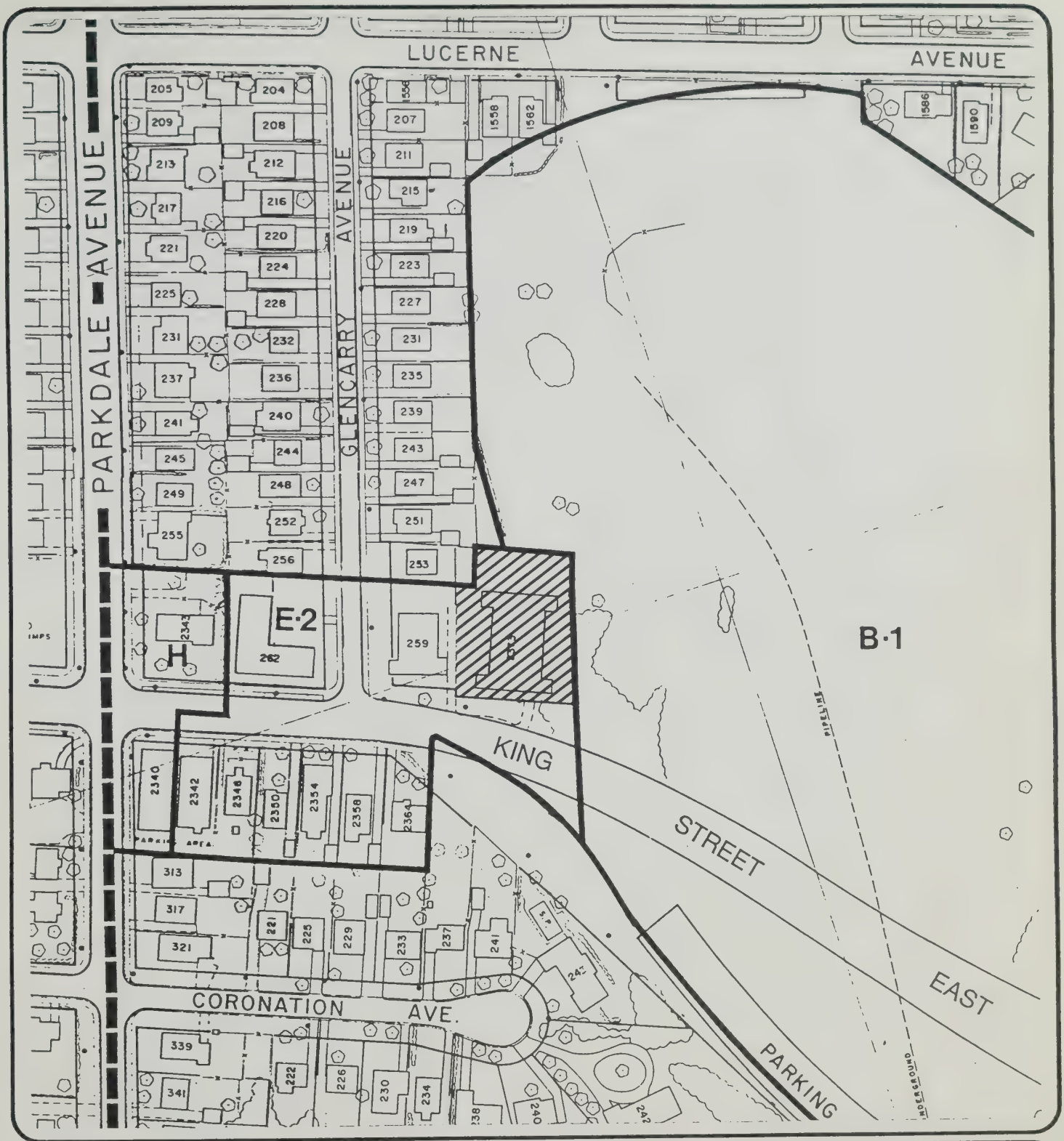
Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

***CONCLUSION:***

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 39 apartment units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Central East zone. Rental vacancy rates are at competitive levels and have been for the past several years and there are a large number of similarly priced and lower priced vacant units available. In addition, the proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional three-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

KE/




# City of Hamilton

## Key Map

### Rental Housing Protection Act

2373 King St. E.

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-003 |
| | Date | Drawn By |
| | MAY 1995 | Z.K. |

## APPENDIX "A"

## TENANTS AND MONTHLY RENTAL CHARGES AS OF MAY 9, 1995

2373 King Street East

| | | | |
|---|---|---|---|
| Apt. 11 | Gloria Bruce<br>2373 King Street East<br>Apt. 11<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$557.10 | Apt. 18 | John Wilkins<br>2373 King Street East<br>Apt. 18<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |
| Apt. 12 | Brian Floresco<br>2373 King Street East<br>Apt. 12<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | Apt. 21 | VACANT<br>2373 King Street East<br>Apt. 21<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |
| Apt. 14 | Werner Bebas<br>2373 King Street East<br>Apt. 14<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | Apt. 22 | Christopher Massie<br>2373 King Street East<br>Apt. 22<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |
| Apt. 15 | Carrie Floresco<br>2373 King Street East<br>Apt. 15<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | Apt. 23 | Gloria Manduik<br>2373 King Street East<br>Apt. 23<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |
| Apt. 16 | John Coviell and Diana Ciotti<br>2373 King Street East<br>Apt. 16<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | Apt. 24 | Nancy Beauchamp<br>2373 King Street East<br>Apt. 24<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |
| Apt. 17 | Sandra Myers<br>2373 King Street East<br>Apt. 17<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | Apt. 25 | Vern and Mary Ellen Morrell<br>2373 King Street East<br>Apt. 25<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 |

| | | |
|---|---|---|
| Apt. 26 | Jim Pringle<br>2373 King Street East<br>Apt. 26<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 27 | Steve Sauve<br>2373 King Street East<br>Apt. 27<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 28 | Gary Marshall<br>2373 King Street East<br>Apt. 28<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 31 | Mary Charbonneau<br>2373 King Street East<br>Apt. 31<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 32 | Richard Grant<br>2373 King Street East<br>Apt. 32<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 33 | Stacey Mullins<br>2373 King Street East<br>Apt. 33<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 34 | Ross Rhyro<br>2373 King Street East<br>Apt. 34<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 35 | Rose Sullivan<br>2373 King Street East<br>Apt. 35<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 36 | Wayne Manion<br>2373 King Street East<br>Apt. 36<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 37 | Kevin Hanna<br>2373 King Street East<br>Apt. 37<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 38 | Gerald Dinn and Sandra Kelly<br>2373 King Street East<br>Apt. 38<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 41 | Reca Reid and Stephen Alexander<br>2373 King Street East<br>Apt. 41<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 42 | Martin Edwards<br>2373 King Street East<br>Apt. 42<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |
| Apt. 43 | Alex Podworny<br>2373 King Street East<br>Apt. 43<br>Hamilton, Ontario<br>L8K 1X9<br><br>One-Bedroom/$579.41 | |

Apt. 44
Norman Bonvie
2373 King Street East
Apt. 44
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 45
Brenda Dwyer
2373 King Street East
Apt. 45
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 46
Claudia Knowles
2373 King Street East
Apt. 46
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 47
John Uveges
2373 King Street East
Apt. 47
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 48
Igor Hode and Roman Kezman
2373 King Street East
Apt. 48
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 51
Mildred Hill
2373 King Street East
Apt. 51
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 52
Anthony Cerovac
2373 King Street East
Apt. 52
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 53
Henri Niewland
2373 King Street East
Apt. 53
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 54
Joe Chabot and Tara Diamond
2373 King Street East
Apt. 54
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 55
Daniel Gunn
2373 King Street East
Apt. 55
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 56
VACANT
2373 King Street East
Apt. 56
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 57
Allan Patterson
2373 King Street East
Apt. 57
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

Apt. 58
Ken Weddell
2373 King Street East
Apt. 58
Hamilton, Ontario
L8K 1X9

One-Bedroom/$579.41

## APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

## APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

## APPENDIX "D"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 31,154 |
| No. of Vacant Units: | 733 |
| Vacancy Rate, October 1994: | 2.353% |

b) *If All 243 Units under the nine applications were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 30,911 |
| No. of Vacant Units: | 717 |
| Vacancy Rate, after units removed: | 2.320% |

Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.

4.

# CITY OF HAMILTON

# - RECOMMENDATION -

***DATE:*** May 15, 1995
(SAC-94-01)
Jerome Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Draft approval of "San Lorenzo Heights" Subdivision
(Regional File 25T-94002)

***RECOMMENDATION:***

A) That approval be given to application SAC-94-01 (Regional File No. 25T-94002), 603976 Ontario Limited (Terra Homes), owner, to establish a draft plan of subdivision "San Lorenzo Heights", for lands located east of Upper James Street and north of Chipman Avenue, as shown on the attatched map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan, prepared by A.J. Clark and Associates and certified by B.J. Clark, O.L.S., dated April 21, 1994, now red line revised, showing 50 lots for single detached dwellings, and a 0.3 metre reserve (Block 51);

ii) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593;

iii) That the proposed plan of subdivision not be registered until a road connection has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of subdivision;

iv) That the north/south portion of Street "A" to the east of Lot 1 be established to its full width prior to the registration of the Final Plan of subdivision;

v) That a 0.30 metre reserve be established, as a block, on the Final Plan of subdivision along the north limits of Street "A", at the dead-end, and that the owner agree to convey the reserve to the City of Hamilton, by deed, following registration of the Final Plan of subdivision;

vi) That the owner establish 9.0 metre transitional curves into and out of the cul-de-sac bulbs on Street "A" and Court "B" on the Final Plan of subdivision;

vii) That a minimum 2.0 x 2.0 metre daylight triangle be established at the corner of Lot 30 on the Final Plan of subdivision;

viii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands;

ix) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act;

x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton;

xi) That the streets be named to the satisfaction of the City of Hamilton;

xi) That the streets be dedicated to the City of Hamilton as public highways in the final plan;

xii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

xiii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan;

xiv) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed; and,

xv) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

2) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this

subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

3) That the approved Jerome Neighbourhood Plan be amended as follows (see APPENDIX "C"):

   1) From "Civic and Institutional" to "Single and Double Residential" for the parcel of land extending approximately 130 m east and 90 m north of the north-east corner of the proposed "San Lorenzo Heights" plan of subdivision;

   2) From "Single and Double Residential" to "Civic and Institutional" for the parcel of land located to the north of Lots 14 to 20 inclusive of the proposed "San Lorenzo Heights" plan of subdivision, and extending to a depth of approximately 100 m; and,

   3) The road pattern be revised based on the termination of Ridge Street at the intersection of Ridge Street and Street "A" and the northerly extension of Street "A" to the proposed extension of Towercrest Drive.

4) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Owner:

603976 Ontario Limited (Terra Homes)

Agent:

B.J. Clark, O.L.S., A.J. Clark and Associates Ltd.

Location:

The lands are located east of Upper James Street and north of Chipman Avenue, in the Jerome Neighbourhood (APPENDIX "A").

Lot Size and Area:

The subject property has;

- a lot width of 274.74 m (900 ft);
- a lot depth of 116.16 m (380 ft); and,
- a lot area of 3.16 hectares (7.8 acres).

**Land Use and Zoning:**

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Vacant | "C"-'H' (Urban Protected Residential, etc. - Holding) District |
| Surrounding Land Use | | |
| to the north | Vacant | "AA" (Agricultural) District |
| to the south | Single Detached Dwellings | "C" (Urban Protected Residential, etc.) District |
| to the east | Vacant | "AA" (Agricultural) District |
| to the west | Automobile Dealership | "HH" (Restricted Community Shopping and Commercial) District, modified |

SUBDIVISION PROPOSAL

The owner is proposing to subdivide the lands into 50 lots for single detached dwellings and one block as a 0.3 m wide reserve (APPENDIX "B").

## EXISTING DEVELOPMENT CONTROLS

### Hamilton-Wentworth Official Plan:

The lands are identified as "Residential and Related Uses" within the "Urban Policy Areas." The proposal does not conflict.

### City Of Hamilton Official Plan:

The subject lands are designated "Residential". The proposal would comply with the intent of the Official Plan.

### Neighbourhood Plan:

The approved Jerome Neighbourhood Plan designates the subject lands for "Single and Double" residential purposes. However modifications to the approved street pattern are required to facilitate this development and the development proposals for the surrounding lands. In addition, the following changes to the land use designations are required (see APPENDIX "C"):

1) From "Civic and Institutional" to "Single and Double Residential" for the parcel of land extending approximately 130 m east and 90 m north of the north-east corner of the proposed "San Lorenzo Heights" plan of subdivision; and

2) From "Single and Double Residential" to "Civic and Institutional" for the parcel of land located to the north of Lots 14 to 20 (inclusive) of the proposed "San Lorenzo Heights" plan of subdivision, and extending northerly for a depth of approximately 100 m.

In addition, the road pattern must be revised based on the termination of Ridge Street at the intersection of Ridge Street and Street "A" and the northerly extension of Street "A" to the proposed extension of Towercrest Drive.

### Zoning:

The subject lands are zoned "C"-'H' (Urban Protected Residential, etc. - Holding) District. In 1990, Council passed By-law No. 90-351 which changed the zoning on the subject lands from "AA" (Agricultural) District to "C"-'H' District. The removal of the holding restriction, by way of an amendment to the Zoning By-law, is conditional on the installation of all such municipal sewers as the City deems necessary to service the lands. An application for removal of the holding provision (ZAR-95-06) is pending and will be bought forward after the sewers have been installed.

***COMMENTS RECEIVED ON SUBDIVISION PROPOSAL:***

The following agencies have no comment or objections to the proposal:

- Regional Planning and Development Department;
- Hamilton Hydro-Electric System;
- Ministry of Transportation;
- Ontario Hydro Grid System;
- Union Gas;
- Ministry of Natural Resources;
- Hamilton Wentworth Catholic Separate School Board;
- Canada Post;
- Ministry of Cultural, Tourism and Recreation;
- Bell Canada; and,
- The Board of Education for the City of Hamilton

The Hamilton-Wentworth Roads Department has submitted the following comments and recommendations:

Recommendations

"1) That the proposed plan of subdivision not be registered until a watermain construction has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of Subdivision.

2) That the proposed plan subdivision not be registered until storm and sanitary sewers on the existing portion of Ridge Street have been approved for construction as a local improvement project, and a sewer connection is constructed from the south limits of Ridge Street to the existing trunk sewers at the south limit of "Effort Gardens" proposed plan of subdivision (Regional File No.25T-88035).

3) That the proposed plan of subdivision not be registered until a road connection has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of subdivision.

4) That the proposed plan of the subdivision not be registered until the road pattern for the north/west quadrant of the Jerome Neighbourhood Plan has been revised to reflect this draft plan of subdivision, and the revised neighbourhood plan has been approved by the City.

5) That the north/ south portion of Street "A" to the east of Lot 1 be established to its full width prior to the registration of the Final Plan of subdivision.

6) That a 0.30 metre reserve be established as a block, on the Final Plan of subdivision along the north limits of Street "A", at the dead-end, and that the Owner agree to convey the reserve to the City of Hamilton, by deed, following registration of the Final Plan subdivision.

7) That the owner establish 9.0 metre transitional curves into and out of the cul-de-sac bulbs on Street "A" and Court "B" on the Final Plan of subdivision.

8) That a minimum of 2.0 x 2.0 metre daylight triangle be established at the corner of Lot 30 on the Final Plan of subdivision.

9) That the Owner be required to enter into subdivision agreements with both the City of Hamilton and the Region of Hamilton-Wentworth prior to development of any portion of these lands."

"For Information"

"1) Public watermains are available on Chipman Avenue to service the proposed plan of subdivision by way of connection through the existing portion of Ridge Street to the south. The watermain on the existing portion of Ridge Street would be constructed by way of local improvement.

2) Public storm and sanitary sewers are not yet available to service the proposed plan of subdivision. Sewer servicing is dependant upon connection to the existing trunk sewer, to the south, by registration of "Effort Gardens" plan of subdivision (Regional File No. 25T-88035) and approval for construction of sewers on the existing portion of Ridge Street as a local improvement project.

3) Road access is available from Chipman Avenue through the existing portion of Ridge Street to the south. Roads works on the existing portion of Ridge Street would be constructed by way of local improvement.

4) The street pattern on the proposed draft plan of the subdivision does not conform to the street pattern of the approved Jerome Neighbourhood Plan. With respect to pedestrian vehicular circulation within this quadrant of the Neighbourhood, an amendment to the proposed draft plan of subdivision to conform to the approved Neighbourhood plan is our preferred option.

5) The policies of the Jerome Neighbourhood Plan should be amended to include a requirement that any further development of the north/west quadrant must include construction of roadways to connect Street "A" of this plan to the existing portion of Colin Crescent to the northeast, in order to avoid lengthy dead ending roadways.

6) The purposed walkway connection, north of the subject lands to Upper James Street on the approved neighbourhood plan should be retained, since the revised street pattern proposed will make the pedestrian route from the north/west quadrant of the neighbourhood to Upper James very onerous. It is our recommendation that the City of Hamilton commence negotiations with the land owner fronting on Upper James Street, at this time, to ensure that the walkway connection, from the internal neighbourhood to Upper James Street, will be in place when the lands develop.

   As an alternative, Planning Staff may wish to consider establishing a north/south walkway from Street "A" in the vicinity of Lots 12, 13, or 14 to the School Board lands.

7) In order to improve the site distance at the intersection of Street "A" and Court "B", looking east, we suggest that lots 40 and 41 (extra depth lots) be shifted to the east limits of the subdivision and Court "B" shifted westerly."

After discussions with the Roads Department and the School Board, it was agreed that a walkway across the subject lands was not required. In addition, the applicant has agreed that the lotting pattern on the draft plan be red-lined revised as per the recommendations of the Roads Department (APPENDIX "D").

The Hamilton Region Conservation Authority has submitted the following comments and conditions:

"The subject property is relatively flat and is currently covered with a variety of tree and shrub species. Based on information provided in the subdivision application and 1990 aerial photography, mature tree and shrub species are located in the southern, western and eastern sections of the property. The mature tree and shrub species located in these areas should be maintained and included in the landscape design of the preservation and landscape plan for the subject property.

The removal of existing vegetation combined with the development of 50 residential dwellings may increase erosion and sediment on and off the subject property. As such, the applicant should prepare and implement an erosion and sediment control plan to the satisfaction of the Hamilton Region Conservation Authority.

Based on the above, staff of the Hamilton Region Conservation Authority do not have any objection to the approval of subdivision application 25T-94002, subject to the following conditions:

1) That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation

Authority.

2) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority."

The Ministry of Environment and Energy advise the following:

"The Ministry of Environment and Energy would have no objections to draft approval to Plan of subdivision 25T-94002 subject to the following conditions:

1) Prior to the final approval of the plan, the owner/developer shall investigate the noise levels on the site and determine the noise control measure which are satisfactory to the Ministry of Environment and Energy in meeting the Ministry's recommended sound level limits for the proposed residential land uses. An noise feasibility study prepared by a qualified Professional containing an estimate of the extent of the physical control measures to be implemented shall be submitted to the Ministry for review and approval in duplicate.

Should the noise feasibility study demonstrate the potential for significant noise impacts, the Ministry of Environment and Energy shall require the owner/developer to prepare and submit a detailed acoustical report prepared by a qualified Professional prior to final approval."

The Traffic Department has submitted the following comments:

"The submitted plan proposed to relocate the north/south connecting street between Street "A" and the lands to the north currently being considered for rezoning under application ZA 94-01.

As indicated in our comments regarding ZA 94-01, the proposed relocation of the north/south connecting street has raised a number of issues related to land use designations that should be resolved prior to granting approval of any application to permit development in this area."

In response to the Zoning Application 94-01, the Traffic Department advised that:

"1) The preliminary plan submitted with the application indicates that significant changes in the road pattern of the approved neighbourhood plan will be required. Approval of the road pattern, as submitted, will result in the two schools being located on opposite sides of the roadway rather than in one block of land and may have an impact on the shared use of some facilities.

In addition, the location of the north/south street connecting the subject lands and Chipman Avenue cannot be confirmed until such time as the land designations are finalized.

We have also been requested to comment on a plan of subdivision for lands to the south of the subject lands. The submitted plan of subdivision suggests a revised road pattern to provide the north/south connecting street in line with that proposed in this application. However, the establishment of the north/south connecting street in the proposed location affects a number of land owners which are not involved in these applications.

2) The development of the subject lands as proposed provides only one access to the arterial road system via Towercrest Drive for the 111 single family homes and the two existing townhouse developments to the east of the subject lands. Prior to any development of the subject land's we recommend that a second means of access to the arterial roads system be established.

3) The proposed realignment of the northerly east/west street creates a long straight street of approximately 450 metres in length. We recommend that the existing road alignment, as shown in the approved neighbourhood plan, be maintained to minimize the length of the continuous straight street."

After further discussion with the Planning Department, the Traffic Department advised that:

"It is our understanding that discussions have taken place with representatives of the land owners in the area affected by the proposed change in road pattern, specifically north/south street connecting the lands considered under this application and the lands to the north considered under Zoning Application ZA 94-01. We have been advised by staff of the Planning Department that all the affected land owners support the proposed change to the Approved Neighbourhood Plan.

Although our preference is to maintain the road pattern, as shown in the approved Neighbourhood Plan, we are prepared to accept the proposed modifications to relocate the north/south connecting street.

It should be noted that this acceptance does not apply to the proposed modifications to the road pattern in the south area of the neighbourhood plan which would establish an east/west street approximately 450 m in length.

With reference to the subject application, we recommend that approval be conditional upon the Approved Neighbourhood Plan being amended to reflect this draft plan and that prior to final approval the northerly section of Street A be established to its full width"

The Building Department submitted the following comments:

"1) Zone C-H (hold to remove upon completion of the sewers).

2) The front yard depth on all lots are acceptable as shown according to the Zoning By-Law.

3) There was no lot areas shown on the draft plan."

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the general intent of the approved Jerome Neighbourhood Plan. The subject lands are designated "Single and Double" residential in the Neighbourhood Plan. However, modifications to the approved street pattern are required to facilitate this development and the development proposals for the surrounding lands. As such, the following changes to the Jerome Neighbourhood Plan are required:

   1) From "Civic and Institutional" to "Single and Double Residential" for the parcel of land extending approximately 130 m east and 90 north of north-east corner of proposed "San Lorenzo Heights" plan of subdivision; and

   2) From "Single and Double Residential" to "Civic and Institutional" for the parcel of land located to the north of Lots 14 to 20 inclusive, and extending to a depth of approximately 100 m.

   In addition, the road pattern must be revised based on the termination of Ridge Street at the intersection of Ridge Street and Street "A" and the northerly extension of Street "A".

   The proposed changes to the neighbourhood plan are shown on APPENDIX "C".

3. The application has merit and can be supported for the following reasons:

   - it complies with the intent of the Official Plan;
   - it complies with the intent of the "C"-'H' (Urban Protected Residential, etc. - Holding) District of the Zoning By-law; and,
   - it is compatible with existing and proposed development in the area.

4. The subject lands are currently zoned "C"-'H' (Urban Protected Residential, etc. - Holding) District. This provision can be removed once sanitary sewers are available to service the lands by amendment to the zoning by-law. An easement has been secured and construction of the sanitary sewers is scheduled for Summer, 1995. An application for removal of the holding provision (ZAR-95-06) is pending and will be bought forward after the sewers have been installed.

5. The Neighbourhood Plan designates an area for "Park and Recreational" purposes nearby. Therefore, it is recommended that a cash payment in lieu of the conveyance of 5% of the land for parkland dedication be made by the owner.

6. The proposed plan of subdivision has been red-lined revised to improve the site distance at the intersection of Street "A" and Court "B", looking east, by shifting lots 40 and 41 (extra depth lots) to the east limits of the subdivision and Court "B" shifted westerly (see Appendix "D").

7. The Roads Department, by way of letter dated January 18, 1995, suggested that a walkway should be provided to provide direct pedestrian access from Ridge Street to the proposed school site. However, as the School Board does not require or support the walkway, it is appropriate that a walkway not be provided across the subject lands but rather that a walkway to Upper James be pursued across the Regional lands which are located south of the Freeway.

8. The Regional Planning Department has advised that as a condition of draft plan approval the Region, among other conditions, will require the following conditions:

   - That the proponent satisfy MOEE's condition with respect to investigating noise levels on the site and determine the noise control measures which are satisfactory to the Ministry of Environment and Energy in meeting the Ministry's recommended sound level limits for the proposed residential land uses;

   - that the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority;

   - That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority;

   - That the proposed plan of subdivision not be registered until a watermain has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of subdivision; and,

   - That the proposed plan subdivision not be registered until storm and sanitary

sewers on the existing portion of Ridge Street have been approved for construction as a local improvement project, and a sewer connection is constructed from the south limit of Ridge Street to the existing trunk sewer at the south limit of "Effort Gardens" proposed plan of subdivision (Regional File No. 25T-88035);

9. The Roads Department and the Traffic Department commented on the proposed changes to the Neighbourhood Plan with respect to requiring the connection of Street "A" with Towercrest Drive and the length of Street "A". Planning staff have reviewed the concerns of these Departments and would note that:

- The movement of the north-south street (Ridge Street) to the eastern end of the property that is the subject of the San Lorenzo Heights application forces this street to connect to the northern lands at an awkward intersection. The road pattern was adjusted on the north lands to eliminate an awkward three street intersection;

- The Neighbourhood Plan designates the area north and north-west of the separate school lands for larger lots. As such, the density of development in this area will be lower than the typical single-family development;

- The revised street pattern reduces the length of Ridge Street, which as currently approved, would be 440 m in length. Ridge Street will terminate at Street "A". It is proposed that Street "A" will connect Ridge Street and Colin Crescent. The length of the northerly portion of Colin Crescent will be similiar to Ridge Street as originally shown on the Neighbourhood Plan. In addition, the Neighbourhood Plan proposes two streets to the south and west of the public school site which are 350 m or greater in length. As such, the length of Colin Crescent will be similiar to that of the existing and proposed streets in the Jerome Neighbourhood; and,

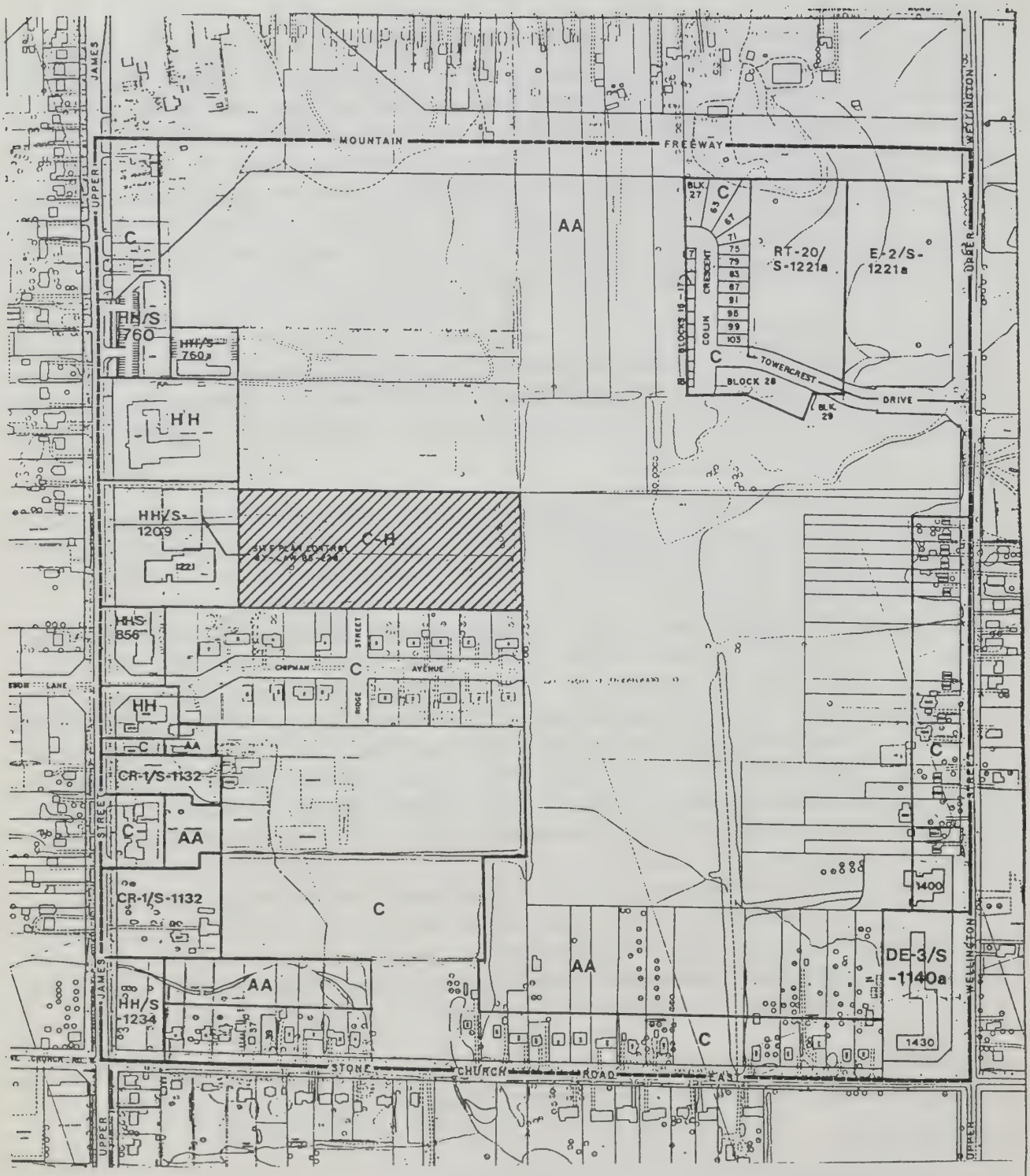
- The proposed street pattern for the northern area of the neighbourhood would include a "T" intersection approximately mid-way along the 450 m long street (see APPENDIX "C"). Traffic moving westerly along this street will be primarily local traffic accessing the homes located north of the separate school lands. Conversely, eastbound traffic will be exiting the neighbourhood.

Based on a review of other options for the road pattern, the proposed amendments to the Neighbourhood Plan remain the preferred solution.

***CONCLUSION:***

On the basis of the foregoing, the proposal can be supported subject to the owner satisfying the conditions of draft plan approval.

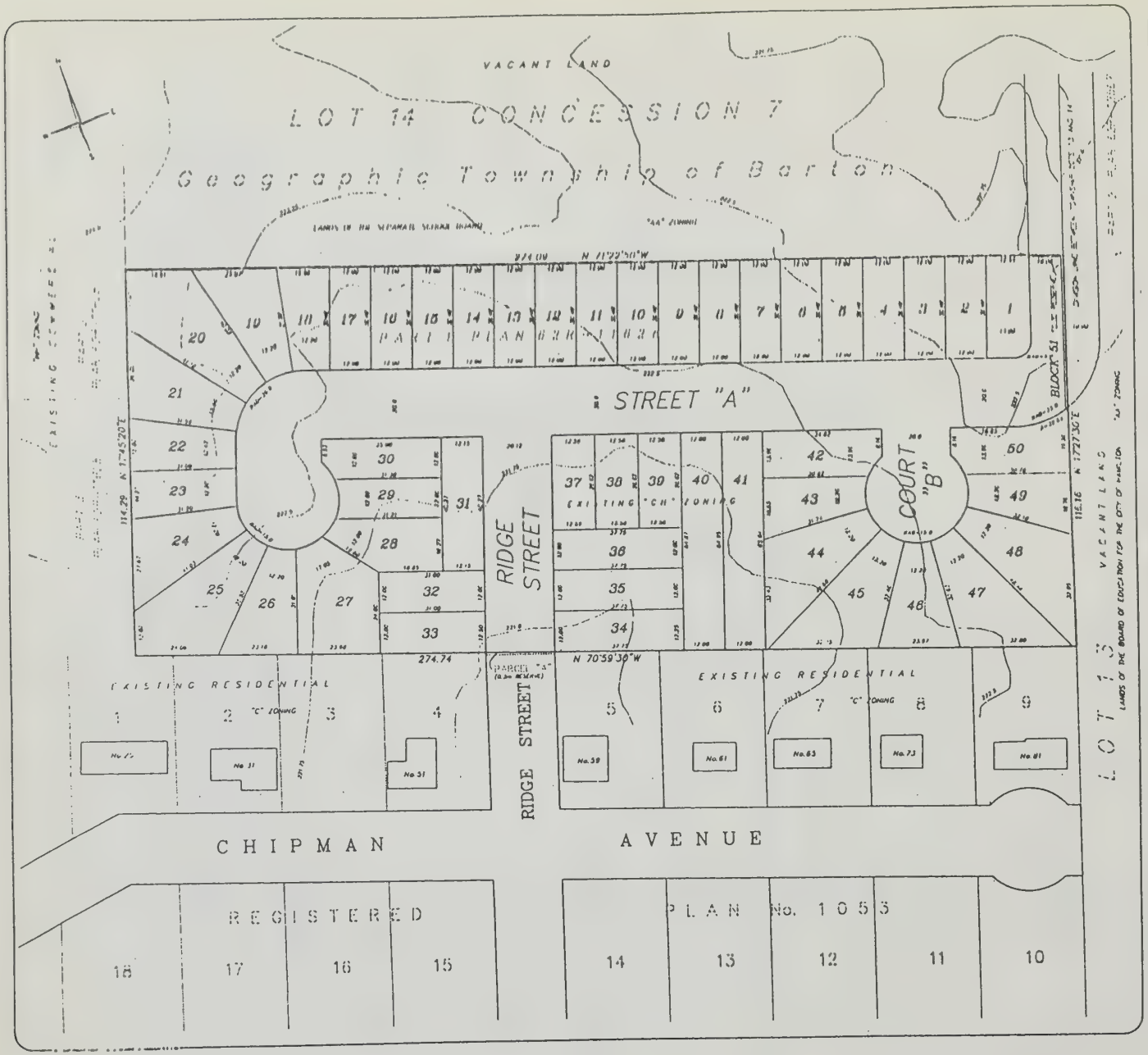
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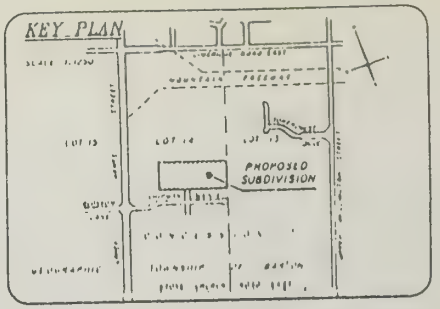



Legend

Site of the Application

APPENDIX A




DRAFT PLAN OF

# San Lorenzo Heights

SHOWING A PROPOSED SUBDIVISION OF
PART OF LOT 14 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:750

B.J. CLARKE O.L.S.
1994

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(2) THE PLANNING ACT**

| | |
|---|---|
| A. SHOWN ON PLAN | G. SHOWN ON PLAN |
| B. SHOWN ON PLAN | H. MUNICIPAL PIPED WATER AVAILABLE |
| C. SHOWN ON PLAN | I. CLAY LOAM |
| D. SEE LAND USE SCHEDULE | J. SHOWN ON PLAN |
| E. SHOWN ON PLAN | K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER |
| F. SHOWN ON PLAN | L. NONE |

**SURVEYOR'S CERTIFICATE:**
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 21, 1994 — DATE
B. J. CLARKE — ONTARIO LAND SURVEYOR

**OWNER'S AUTHORIZATION:**
WE, 603376 ONTARIO LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE A. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR THEIR APPROVAL.

APRIL 21, 1994 — DATE
DANIEL VALENTINI — PRESIDENT

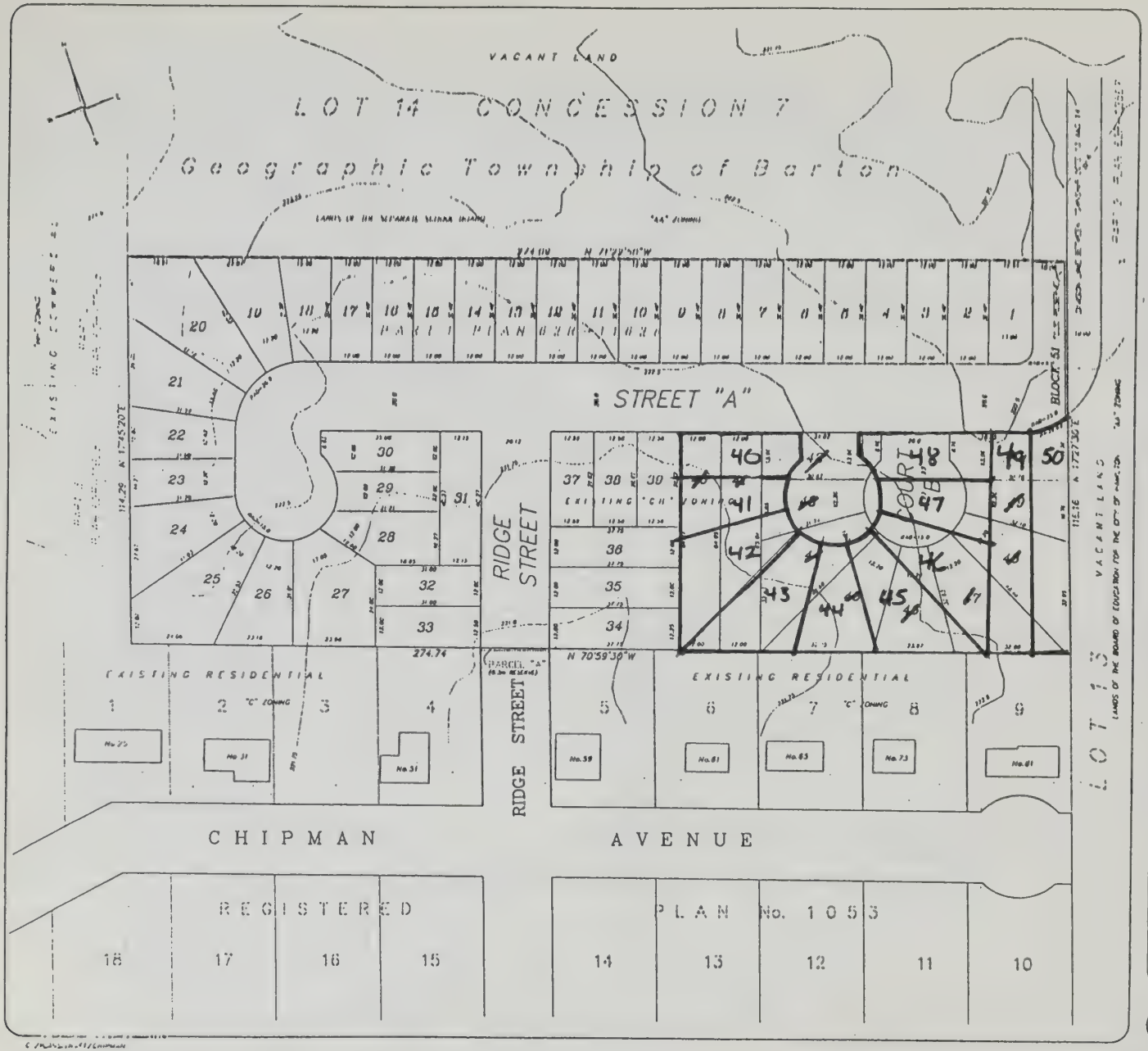
**LAND USE SCHEDULE:**
TOTAL AREA OF SUBDIVISION = 3.181 ha
LOTS 1 TO 30 (SINGLE FAMILY - "C" ZONING) = 30 LOTS
BLOCK 31 - 0.30 m RESERVE

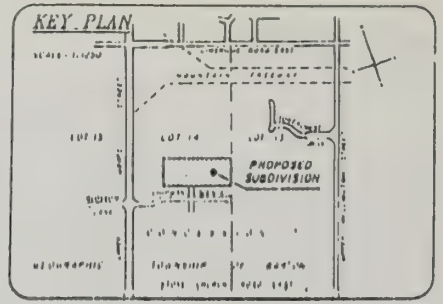
**SUBDIVISION DRAFT APPROVAL:**
APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH THIS DAY OF , 1994.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
AUTHORIZED BY BY-LAW No. 180-171

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

C:\PROJ\94-015\CHIPMAN




DRAFT PLAN OF

# San Lorenzo Heights

BEING A PROPOSED SUBDIVISION OF
PART OF LOT 14 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:750

H.J. CLARKE O.L.S.
1994

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

**RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(4) THE PLANNING ACT**

| | |
|---|---|
| A. SHOWN ON PLAN | G. SHOWN ON PLAN |
| B. SHOWN ON PLAN | H. MUNICIPAL PIPED WATER AVAILABLE |
| C. SHOWN ON PLAN | I. CLAY LOAM |
| D. SEE LAND USE SCHEDULE | J. SHOWN ON PLAN |
| E. SHOWN ON PLAN | K. MUNICIPAL SEWERS TO BE INSTALLED BY SUBDIVIDER |
| F. SHOWN ON PLAN | L. NONE |

**SURVEYOR'S CERTIFICATE:**
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

APRIL 21, 1994 — DATE
H. J. CLARKE — ONTARIO LAND SURVEYOR

**OWNER'S AUTHORIZATION:**
WE, 603376 ONTARIO LIMITED, BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE H. J. CLARKE AND ASSOCIATES LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR THEIR APPROVAL.

APRIL 21 1994 — DATE
DANIEL VALENTINE - PRESIDENT

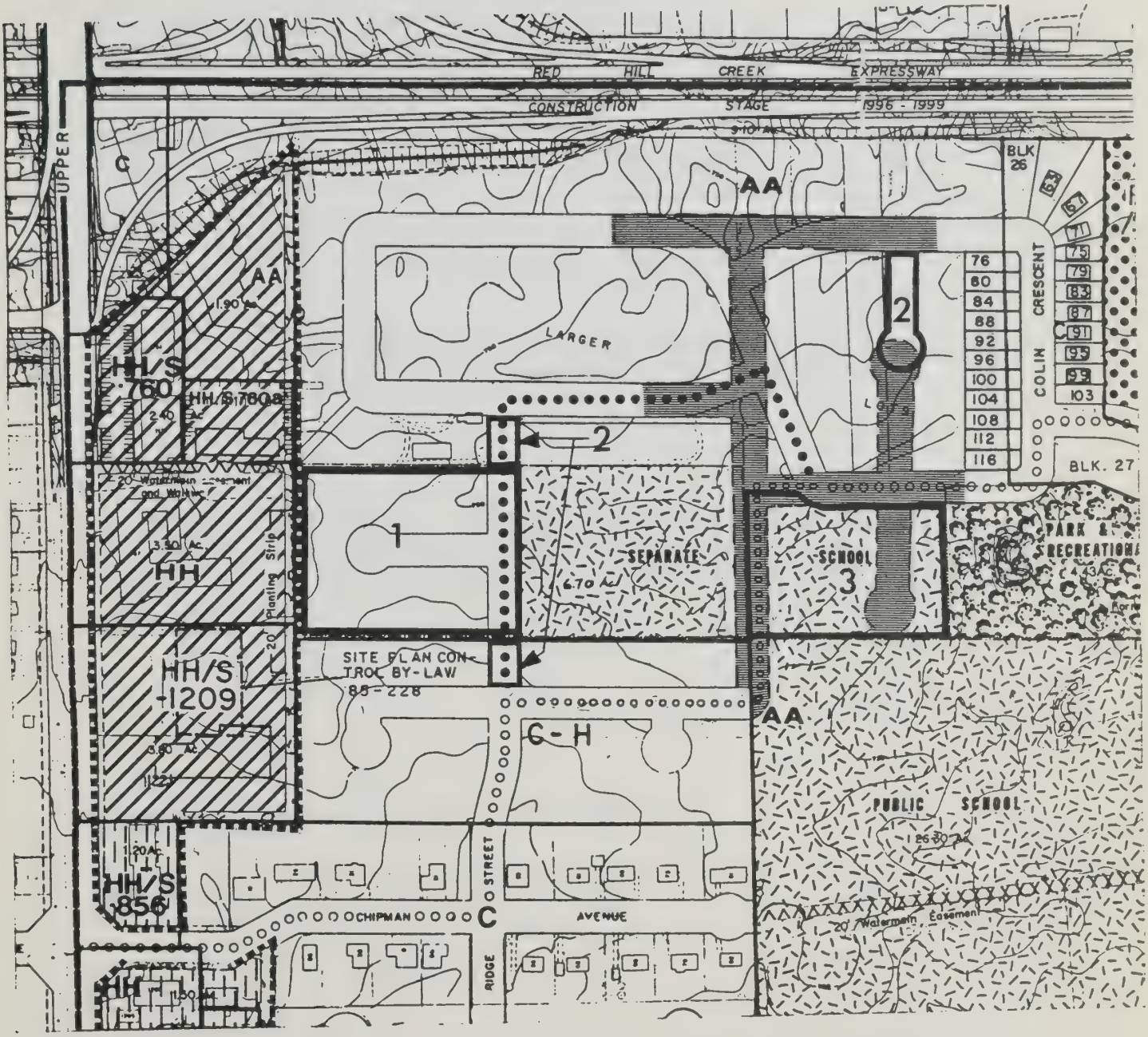
**LAND USE SCHEDULE:**
TOTAL AREA OF SUBDIVISION = 3.181 ha
LOTS 1 TO 50 (SINGLE FAMILY "C" ZONING) = 50 LOTS
BLOCK 51 - 0.30 m RESERVE

**SUBDIVISION DRAFT APPROVAL:**
APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS DAY OF , 1994.

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 685-171

H. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS

APPENDIX D




**PROPOSED CHANGES**

| | |
|---|---|
| 1 | Redesignate from "single & double" to "Civic & Institutional" and delete road pattern |
| 2 | Delete proposed road |
| 3 | Redesignate from "Civic & Institutional" to "single & double" and add proposed road pattern |
| ▒ | Proposed road pattern |
| •••• | Delete proposed bikeway route |

5(a)

## - RECOMMENDATION -

*DATE:* 1995 May 17

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

*SUBJECT:* **MacNab-Charles Heritage Conservation District - Request for Improvements to Public Amenities**

*RECOMMENDATION:*

That approval be given to investigate the implementation of municipal improvements to public amenities for the MacNab-Charles Heritage Conservation District, as outlined in the report attached herewith and marked Appendix "A".

Betty Carter

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

To be determined by the appropriate departments and agencies.

**BACKGROUND:**

On May 8, 1990, City Council designated by By-law 90-144 the MacNab-Charles Heritage Conservation District and adopted the MacNab-Charles Heritage Conservation District Plan. In accordance with the requirements of the Ontario Heritage Act, the OMB gave final approval to the designation, although no objections were filed.

Part 3 of the Plan provides Urban Design Guidelines for the future development of the District's public spaces. The intent of these Guidelines is to enhance, wherever possible, the authentic historic character of the area and to mitigate the

impact of later developments, such as the railway. The requests for improvements are based on the following provisions in the Urban Design Guidelines for the MacNab-Charles District:

- install historic lighting,
- remove overhead wires,
- re-pave streets,
- improve the pedestrian underpass, the stairs, and the entrance areas,
- provide a buffer along the railway tracks.

The Department of Public Works advised this year that three streets located within the heritage district were scheduled for re-paving in the late summer of 1995, namely, MacNab Street South between Bold Street and Hurst Place; Charles Street between Bold Street and Hurst Place; and Hurst Place. The Department also advised that the pedestrian underpass was to be improved this year, in accordance with recommendations from the Women's Safety Audit.

The MacNab-Charles Heritage Conservation District Advisory Committee met on March 30 and April 20, 1995, to discuss potential improvements to the District which could be considered in conjunction with the approved reconstruction projects. This report represents the comments made by the citizen's advisory committee members, and was approved by the Local Architectural Conservation Advisory Committee at its meeting held 1995 May 15.

att.

c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
D. Lobo, Director of Public Works
H. Solomon, Manager of Traffic Operations, Traffic Department

MacNab-Charles Heritage Conservation District
Advisory Committee

May 11, 1995

**MUNICIPAL IMPROVEMENTS TO STREETS AND PEDESTRIAN UNDERPASS, located with the MacNab-Charles Heritage Conservation District**

**Request for Associated Heritage Improvements**

**1. Re-paving of MacNab St. South, Charles St. and Hurst Place**

**In order to indicate that the MacNab-Charles district has a special heritage designation, it is requested that a distinctive type of paving be used on these three streets.**

Cobblestone or other authentic historic paving is preferred by, if not economically feasible, an asphalt paving with a pattern of interlocking brick would be appropriate, such as used on Elizabeth St. in Burlington.

Standard cement sidewalks are preferred but enhanced with an interlocking brick patter related to the street paving design.

On Charles St, west side, it is requested that the existing 5' green boulevard be retained and planted with trees.

The MacNab St. Presbyterian Church has advised that they would prefer the reconstruction of MacNab St. South to take place during July when the church joins services with the Central Presbyterian Church.

On Hurst Place which is a narrow laneway, it is requested that pedestrian use be encouraged and that the speed of vehicular traffic be strictly controlled by signage.

It was noted that on Charles St. there is an historic man-hole cover which should be retained.

**2. Lighting**

**In order to enhance the historic ambience of the heritage district, it is requested that while the streets are under construction, the overhead wires be buried; all existing poles and transformers be removed from both sides of the three streets; and historic lighting be installed.**

The MacNab-Charles Heritage Conservation District Background Study drew attention to the present confusion of overhead wires, mixture of wood and concrete poles, overhead transformers, and non-traditional lighting fixtures.

The type of historic street lighting preferred is the standard Hamilton electric light poles used on these streets and throughout the downtown in the early 20th c. ( An example of the Hamilton pole type can be found on the restored High Level Bridge)

It is suggested that these poles be placed within the heritage district boundaries, namely on the west side of MacNab St. South and the east side of Charles St. Along Hurst Place, the preferred and perhaps only possible location is on top of the railway retaining wall, where modern poles are now located.

**3. Pedestrian railway underpass**

**In order to increase the safety and comfort of pedestrians, it is requested that during the improvements planned for 1995 to the underpass the south stairs and north wall at Hunter St. West be rebuilt and all interior walls be resurfaced.**

The south stairs presently are long and steep. A more gradual grade is recommended with a landing placed at the midway point. It is heavily used pedestrian route to and from the downtown; many of the users are elderly.

To prevent the current problem of slippery steps, these stairs should be covered with a glazed canopy or, alternatively, be heated.

For safety reasons, it is requested that lighting inside the tunnel be improved.

It is also recommended that at the north entrance, the cement wall be replaced with an open wrought iron fencing to increase visibility and that a pedestrian landing be provided in the parking lane of Hunter St. West.

**4. Parkette at south entrance to underpass**

**In order to enhance the appearance of the underpass as well as the District, and to provide a resting place for pedestrians, it is requested that a small parkette be established at the south entrance to the underpass on the east side of MacNab St. South and at the corner.**

Because a large number of pedestrians using the underpass are carrying heavy shopping bags, it was agreed that this south underpass entrance would be an excellent location for pedestrian amenities. This corner has a south-west exposure and would be desirable place to provide a seating area, with lighting, waste disposal basket, and possibly, an appropriately-designed drinking fountain.

It is also suggested that an historic plaque be erected in this parkette which would inform the public about the MacNab-Charles Heritage District.

In order to make the parkette as large as possible, consideration should be given to incorporating all available space, not in road and sidewalk use, in the MacNab-Hurst road allowance. Since this corner is presently in a neglected state, the addition of appropriate planting would considerably improve its appearance.

The question of whether people are jumping over the retaining wall and crossing the railway tracks should be investigated.

5. **Railway retaining wall bordering Hurst Place**

**In order to reduce the noise and air pollution from the trains and improve the appearance of the railway retaining wall, it is requested that some type of buffer be considered for the area starting from the Park St. end and sloping down to the existing retaining wall at the west boundary of the Church.**

Private homes and apartments houses are located adjacent to the CP-GO tracks. Residents report that the noise and vibration from passing trains have increased since the most recent repair of the tracks, particularly if trains slow down in the tunnel. Furthermore, the polluted air builds up in the tunnel and billows out as the train emerges. A request has been made to the city to have these conditions investigated. If possible, mitigating measures, such as venting the tunnel, should be pursued.

The design of the buffer should not create a tunnel effect, but rather be visually attractive and deflect the noise and polluted air upwards.

This request will be forwarded to CP, who, as the owner, is responsible for the maintenance of the retaining wall.

6. **Parking**

**In order to address the lack of parking for residents, it is requested that permit parking be considered for the two blocks of MacNab St. South (Bold St. to Hurst Place) and Charles St. (Bold St. to Hurst Place). In addition, to allow visual access to the unique row of heritage stone buildings on the west side of MacNab St. South, that parking be permanently placed on the east side and not alternated every half month as is presently the case.**

Residents advise that local parking places are used by visitors to the downtown, making it difficult to park near their homes. The problem is expected to increase with the opening of the new GO-Transit Centre.

The heritage stone buildings on the west side of MacNab St. South offer a rare glimpse into pre-Confederation Hamilton. It was a recommendation of the District Plan that this view be preserved unobstructed. This request to provide parking only on the east side of MacNab St. would follow the precedent set on Charles St., where parking is restricted to only the west side.

7. **It is requested that all designs be sensitive to the heritage district and that the proposed designs be referred back to the MacNab-Charles Heritage Conservation District Advisory Committee for information and comment.**

5(b)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

*DATE:* 1995 May 17

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** V. J. Abraham, M.C.I.P.,R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

**SUBJECT:** Municipal Improvements to MacNab-Charles Heritage Conservation District

**RECOMMENDATION:**

A) That the requests from LACAC for municipal improvements to the MacNab-Charles Heritage Conservation District (see LACAC report) be sent for consideration to the following departments to report to Council through their respective committees (Proposals to be sent to MacNab-Charles Heritage District Advisory Committee for comment before forwarding to city committees):

1. to the Planning and Development Department and the Department of Public Works to coordinate design and implementation re:

   -a distinctive type of paving to denote the Heritage District

   -burying the overhead wires and installing historic street lighting;

   -improvements to the steps, walls and landing in the pedestrian railway underpass at MacNab St. South from Hurst Place to Hunter St. West;

   -a parkette on public property at the corner of MacNab St. South and Hurst Place;

2. to the Traffic Department re:

   -permit parking for Charles St. and MacNab St. South between Bold St. and Hurst Place.

B) That the request for a buffer to the railway noise and air pollution on the CP/GO-Transit Line at Hurst Place (Park to Charles Sts.) be sent directly to Council to be forwarded to C.P.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** Costs to be determined by the appropriate departments.

**BACKGROUND:**

The purpose of this recommendation is to direct the specific requests contained in the accompanying LACAC report on "Municipal Improvements to the MacNab-Charles Heritage Conservation District-Request for Associated Heritage Improvements" to the appropriate departments.

The MacNab-Charles Heritage Conservation District Advisory Committee has initiated requests for heritage improvements at this time because the City this year is undertaking the reconstruction of three streets in the district--MacNab St. South, Charles St. and Hurst Place--as well as making improvements to the pedestrian underpass.

6.

## - RECOMMENDATION -

*DATE:* 1995 May 17

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Betty Carter, Secretary
Local Architectural Conservation Advisory Committee

*SUBJECT:* **207, 211, 213, 215 Ferguson Avenue South - Designation Recommendation**

*RECOMMENDATION:*

(a) That approval be given to the "Intent to Designate" 207, 211, 213, 215 Ferguson Avenue South (4 units of 5-unit Victorian rowhouse) as properties of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached herewith and marked Appendix "A"; and

(b) That the City Solicitor be authorized as directed to take appropriate action to have these properties designated pursuant to the provisions of the Ontario Heritage Act, 1989.

Betty Carter

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:* N/A

**BACKGROUND:**

LACAC approved the eligibility for designation of the whole terrace in October of 1994, in response to the owners' request. It was understood at this time that all five owners had agreed to the proposed designation. When the owner of #209 subsequently withdrew his support, however, the request was reconsidered by the Research Sub-Committee. While Committee Members regretted that support for designation was not unanimous, it was agreed that four of the five units would still be eligible and that the designation process should be initiated for #207, 211, 213 and 215. The owner of #209 was then advised of the Research Sub-Committee's recommendation.

att.
c.c. V. J. Abraham, Director of Local Planning
N. Chapple, Architectural Historian, Planning Department
P. Noé Johnson, Solicitor
L. King, Building Commissioner

# REASONS FOR DESIGNATION

## 207, 211, 213, 215 Ferguson Avenue South

Context

207, 211, 213, 215 Ferguson Avenue South make up four units of the five–unit rowhouse built in 1886–7, just north of Charlton Avenue East. Situated in the historic Corktown neighbourhood, this brick terrace overlooking the grounds of Queen Victoria Public School is an integral component of a continuous streetscape of late 19th and early 20th century buildings extending from the base of the escarpment along the east side of Ferguson to Forest Avenue and westward along Forest to Walnut Street. Directly south of Charlton stands the *designated* High Victorian brick rowhouse at 219–227 Ferguson Avenue, and the former high level pumping station built in 1912. The open space opposite #207–215 was once occupied by a row of modest frame and brick dwellings, demolished when the new public school was built in 1963. To the rear of the terrace is a low–rise housing development, built recently on an industrial site formerly occupied by the Armstrong Cartage Company.

With the building of the Hamilton–Lake Erie Railroad in the 1870s, Ferguson Avenue became the city's major north–south railway corridor. Present–day Ferguson Avenue, now that the tracks have been removed, has the potential to be one of Hamilton's most important mountain–to–bay linkages for both vehicular and pedestrian traffic. The historic buildings along Ferguson Avenue take on additional significance due to their location on this major north–south corridor.

Architecture

One record of Hamilton's rapid growth in the latter part of the 19th century is the proliferation of brick rowhousing which appeared in downtown neighbourhoods at this time. Typical of the more modest vernacular terraces erected in the 1880s and 1890s, 207–215 Ferguson Avenue South is one of relatively few surviving examples of this type in the Corktown neighbourhood, notable for its finely crafted wood detailing. Each unit features parapet end or dividing walls with built–in chimneys, two off–centred

upper windows, and a single bay window with the hexagonal form characteristic of 1880s rowhousing. Its long front facade, stepped slightly to accommodate the gently sloping site, is dominated by the five large bay windows, originally all featuring sash windows, colonnettes, and bracketed eaves. The exposed brick masonry of units #207 and #213 reveal the original segmental arches over the front doorway and second–storey windows, accentuated by contrasting brick key and corner stones. In their original form, the doorways were noteworthy for their arched transom lights and wood lintels embellished with rope moulding and fretwork (restored at #213). Beneath the soffits were decorative dentil bands (intact on only two units). Minor alterations have to some extent undermined the architectural integrity of the row as a whole: painting of the brick masonry, parging of parapet walls, replacement of original doors and windows, and removal or covering of decorative wood elements, but these changes are for the most part reversible.

## History

Built as an investment property for Margaret McIntyre, the end unit at #207 was initially occupied by John McIntyre from 1887–9. Following Margaret's death, the rowhouse was sold by the executors of her estate in 1919. It then changed hands three more times before being subdivided and sold as five separate units between 1920 and 1921.

## Designated Features

Important to the preservation of 207, 211, 213, 215 Ferguson Avenue South are the original features of the west (front), south (#215), and north (#207) facades, including the roof and parapet walls, the doorways and window openings (excluding any modern replacement windows and all five doors), the bay windows, and any surviving original wood trim. Excluded is the added verandah at #215.

7(a)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 May 4

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** Len King, P. Eng.
Building Commissioner

**SUBJECT:** City of Hamilton By-Law 84-35 respecting Domestic and Industrial Waste. (95.2.4.2.1.A & 95.4.11)

**RECOMMENDATION:**

1. That Section 7 of By-law 84-35 be repealed and the following substituted;

> 7. (1) "The Commissioner or an Inspector may make an Order sent by regular mail to the last known address on the assessment records, to the owner, lessee or occupant, and by posting on site, requiring the owner, lessee or occupant, within the time specified in the Order,
>
> a) to keep his private drains in repair;
>
> b) to alter or relay his private drains;
>
> c) to provide for the sanitary disposal of sewage and drainage from his land or structure;
>
> d) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind;

.../2

e) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;

f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner or Inspector.

(2) Every Order sent by the Commissioner or Inspector, shall identify the land or structure; and,

2. That the appropriate by-law be enacted by Council.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

A cost saving of approximately $5,284.32 per annum would be achieved by not having to send all orders by registered mail.

**BACKGROUND:**

The existing wording in the by-law states that:

"The Commissioner or an Inspector may, by notice sent by registered post served on the owner, lessee or occupant of the land or structure, require the owner, lessee or occupant within the time specified with the notice;

a) to keep his private drains in repair;

b) to alter or relay his private drains;

c) to provide for the sanitary disposal of sewage and drainage from his land or structure;

d) to clean, clear or remove from the land or structure, garbage, refuse or domestic or industrial waste of any kind;

.../3

e) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind;

f) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner.

The existing by-law requires us to only post by registered mail and we have experienced difficulty in the enforcement process, and it has been found during the enforcement process of the by-law, that in many instances, registered mail is not accepted or picked up by the addressee.

This recommendation is necessary to clarify the existing wording in the said by-law in the method of issuing Orders and method of service.

The proposed change would be to replace registered mail with regular mail.

This is a house-keeping item, and in no way affects the application of the by-law.

BDA/sb
c.c. P. Noé Johnson, City Solicitor
Treasury

7(b)

CITY OF HAMILTON

- RECOMMENDATION -

***Private and Confidential***

***DATE:*** 1995 May 9

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Len King, P.Eng
Building Commissioner

***SUBJECT:*** Community Heritage Program -
Registration of Loan on Tax Rolls
Mr. C. Kopriva, 235 Locke Street North (95.2.4.2.1.A)

***RECOMMENDATION:***

That the total outstanding Community Heritage Loan for Mr. C. Kopriva, 235 Locke Street North, Hamilton, in the amount of six thousand, four hundred and eighty-one dollars and twenty cents ($6,481.20) be placed on the tax rolls.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*** N/A

***BACKGROUND:***

An application under the Community Heritage Program was finalized for Mr. Kopriva on 1989 October 23, in the amount of $15,000., which was repayable at a 6 per cent interest rate. The monthly payments were $166.52 amortized over ten (10) years.

Under the terms of the Community Heritage Program the owner must continue to make payments until the entire loan has been repaid. The Building Department, Housing and Loans Division has been informed by Treasury that Mr. Kopriva's repayments for February 1995 through May 1995 have not been received. The Treasury Department has contacted the owner but the account remains outstanding. This Department also advised Mr. Kopriva to bring his account current on 1995 March 28, but there has been no response. The Department, therefore, recommends the amount of loan remaining be placed on the tax rolls.

LCK/MM/dc
c.c. R. Camani, Treasury Department
D. Powers, Law Department
C. Kopriva

7(c)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 May 15

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P.Eng.
Building Commissioner

**SUBJECT:** Barton Street Revitalization - Committee of Adjustment and Property Reports (95.2.4.2.1.A, 95.2.14, 95.2.4.3.2)

**RECOMMENDATION:**

That the Building Commissioner be directed to waive the requirement of charging administration fees for Committee of Adjustment applications and Property Reports in relation to the implementation of the Barton Street Redevelopment Program for the area described under By-law 87-178, Barton East #1 BIA. This directive shall expire 1997 December 31.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The financial implications of this initiative would be minor in nature to the revenues received by the Building Department. For the area within the Programme between Wellington and Wentworth Streets, the Building Department has processed no Committee of Adjustment applications and received only $600. for Property Reports for the year 1994.

**BACKGROUND:**

On 1994 January 25, City Council approved the following:

b) That the appropriate Standing Committees of Council, both regionally and municipally, be requested to support the Programme by waiving all fees and redevelopment charges in relation to implementation of the Programme.

PCL/DC/dm

CONSENT AGENDA

**PLANNING AND DEVELOPMENT COMMITTEE**

**Wednesday, 1995 May 24th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

**A. ADOPTION OF THE MINUTES**

(i) Minutes of Meeting held 1995 May 3

(ii) Minutes of Special Meeting held 1995 May 9

**B. BUILDING COMMISSIONER**

Demolition Permit - 514/516 Burlington St East

**C. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING**

(i) Authorization for Staff Attendance at an Ontario Municipal Board Hearing

(ii) Site Plan Control Application DA-95-14 for a parking lot at 412 Charlton Avenue West

(iii) Request for removal of a Holding Provision - 1010-1024 Upper Wentworth Street (ZAR-95-17)

**D. CITY ENGINEER/DIRECTOR OF PROPERTY**

Cash-in-Lieu of Parkland Dedication for "Wisemount Estates - Phase 7"

**E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

A (i)

Wednesday, 1995 May 3
9:30 o'clock a.m.
Room 233, City Hall

**The Planning and Development Committee met.**

| | |
|---|---|
| **There were present:** | Alderman Don Drury, Chairperson<br>Alderman Frank D'Amico, Vice-Chairperson<br>Alderman Geraldine Copps<br>Alderman Fred Eisenberger<br>Alderman Marvin Caplan<br>Alderman Bob Charters<br>Alderman William McCulloch |
| **Regrets:** | Mayor Robert M. Morrow<br>Alderman Henry Merling |
| **Also present:** | Alderman Tom Jackson<br>Alderman Dave Wilson<br>Victor Abraham, Director of Local Planning<br>Paul Mallard, Planning Department<br>Steve Robichaud, Planning Department<br>Bill Janssen, Planning Department<br>Christine Lee-Morrison, Planning Department<br>Art Zuidema, Law Department<br>Eugene Chajka, Transportation/Environmental Services<br>Peter Lampman, Building Department<br>Brian Allick, Building Department<br>Don Inglis, Building Department<br>Larry Harvey, Building Department<br>Roland Karl, Traffic Department<br>Stella Glover, Secretary<br>Approximately 40 members of the public |

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. **City Initiatives - Review of vehicles in residential zoning districts**

The Committee was in receipt of a report dated 1995 April 25 from the Director of Planning and Development, the Building Commissioner, and the Chief Administrative Officers respecting the above noted matter.

Christine Lee-Morrison of the Planning Department stated that a review had been initiated as a result of a number of complaints received by the City with regard to recreational vehicles parked in residential districts. She made a submission with respect to the proposed four regulations.

Members of the public were then invited to speak.

Agnes Henderson - 251 Summerville Avenue stated that her house faced a backyard which contained a number of buses and trailers. The Committee referred Ms. Henderson to the Building Department and her Ward Alderman, in order to make a Property Standards complaint.

H. Stouph referred to dual wheeled pick-ups which were still classed as commercial vehicles but could not be used as such because of licensing. Mr. Stouph said he did not feel these vehicles should be included in the By-law and was advised that this matter would be going to the Traffic Department for consideration.

Mr. Stouph expressed concern with regard to the complaint process, whereby someone from another area could complain about the persons in an area which did not affect them directly.

Phil Hepworth referred to the "grandfathering clause" which he said was included in the previous By-law but was omitted in the new By-law. He asked that this be looked into. Christine Lee-Morrison explained that this applied to people with legal non-conforming status. Paul Mallard explained the difference between grandfathering and legal non-conforming status and stated that legal non-conforming status would continue but not be extended to the new owners.

Phil Hepworth referred to major development on the mountain where small lots were being built upon to the maximum size allowed, resulting in a four foot lot line or less. He asked how these owners would be affected when rear access and side access was non-existent on their properties. Christine Lee-Morrison stated that the By-law would not allow parking of recreational vehicles in every situation and individuals could go to the Committee of Adjustment to be reviewed on an individual basis. Mr. Hepworth asked if a mini-van with two sleeping bags in the back would be classed as a recreational vehicle and was advised that it would not.

Bruce Motley of 226 Green Cedar Drive spoke in favour of the By-law and advised of a neighbour's vehicle which caused him difficulty with access to his own vehicle, particularly as he was disabled. Mr. Motley also expressed concern about fire hazards and advised that he had complained about this situation for 3 years but no action had been taken. Mr. Motley was advised that this situation would not be allowed under either the current or the proposed By-law amendment.

Ross Smith, a recreational vehicle owner advised that the closest locked compound which would take a vehicle of his size was at Smithville, and was not open on Sundays. He asked for a twenty four hour grace period to be included in the By-law amendment in order to load and unload vehicles. Mr. Smith said his immediate neighbour was not complaining and he did not feel his other neighbours should have the right to complain. Mr. Smith advised that he had received two Trillium Awards in previous years when his trailer was actually parked in his driveway. He was concerned that he could not park in his backyard because he was on a corner lot and therefore did not have an interior backyard.

He stated that he would like to see trailers allowed from the week before Victoria Day weekend to the week after the Labor Day weekend and then be parked off site.

Roy Williamson of 51 West 22nd Street commended the Planning and Development Department and the Committee on the work which they had put into this matter. Mr. Williamson advised that he had owned a trailer for 25 years and, although he could not conform to the 1.2 metre at the side of his property, he was on good terms with his neighbours and they were not complaining. He asked therefore, if he had to conform if his neighbours did not complain. Mr. Williamson was advised that if a trailer had been on the property for 25 years, this would be a legal non-conforming situation and he was also advised that the Building Department would only react to complaints.

Mr. Valle stated that he had a double drive and his trailer was well away from his neighbour's yard. However, he could not access his backyard because of his garage. Victor Abraham suggested that Mr. Valet apply to the Committee of Adjustment for a variance.

Cindy Raymer of 130 Birchcliffe Crescent advised the Committee that she had been told originally that she could park on her driveway, but now found that this was not the case because she was on a corner lot.

She expressed concern at the difficulty in interpretation of the requirements and thanked the Committee for taking the time to look into this.

Jim Young said he felt everyone was as confused as when the matter was first addressed and asked if the By-law restricted where complaints originated. He expressed concern that people who were not directly involved could lodge a complaint.

After considerable discussion, the Committee approved the following:

That approval be given to City Initiative 94-B, respecting the parking of large vehicles in residential zoning districts, on the following basis:

(i) That Section 2.(2) J. - Miscellaneous Definitions - Technical be amended by adding the following new definition:

"2.(2) J. (xixe) "Recreational Vehicle" includes a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, tent trailers, pick-up campers, motorized campers, motorized homes, or other similar vehicles."; and,

(ii) That Section 18A - Parking and Loading Requirements of Zoning By-law No. 6593, be amended as follows:

(1) By renumbering the existing Section 18A(15) as 18A(15)(a); and,

(2) By adding a new Section 18A(15)(b), as follows:

"18A(15)(b) Notwithstanding clause 15(a) above, a recreational vehicle may be parked in a residential district provided that:

(i) the owner or occupant of a lot in a residential district may park a maximum of one recreational vehicle on any one residential lot; and,

(ii) a recreational vehicle shall be located in a rear yard, or interior side yard, or within a fully enclosed building or structure; and,

(iii) a recreational vehicle shall not occupy required parking; and,

(iv) a recreational vehicle shall be set back a minimum distance of 1.2 m from any lot line, unless parked within a fully enclosed building or structure;" and,

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, for presentation to City Council; and,

(c) That this proposed general text amendment to Zoning By-law No. 6593 is in conformity with the Official Plan for the Hamilton Planning Area.

The Law office was directed to report back to the Committee with respect to implementing a system whereby complaints would only be acted upon if registered by a property owner within 400 feet of the property.

2. **City Initiative 94-E - Lodging Houses**

The Committee was in receipt of a report from the Director of the Planning and Development and the Chief Administrative Officer respecting the above noted matter.

Steve Robichaud of the Planning Department made a submission with respect to the proposal and the Committee approved the following:

That approval be given to City Initiative 94-E for a general text amendment to Zoning By-law No. 6593 with respect to the definitions of "lodging house", "hostel", "residential care facility", "short-term care facility" and "tourist home" on the following basis:

(i) That Subsection 2.(2)A.(xii) of Zoning By-law No. 6593 be amended by deleting the existing definition of "lodging house" and replacing it with the following:

"Lodging House" shall mean a dwelling or building or portion thereof in which lodging is provided for more than 3 persons for remuneration, or the provision of services or both, and the lodging rooms do not have bathrooms and kitchen facilities for the exclusive use of individual occupants, but shall not include the following:

(1) a hostel
(2) a hotel
(3) a public or private hospital
(4) a nursing home
(5) a home for the aged or a home for elderly persons
(6) a tourist home
(7) a residential care facility
(8) a short-term care facility; and,

where such facilities are licensed, approved or supervised under a general or special Act other than the Municipal Act.

(ii) That Subsection 2.(2)A.(x) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the phrase "except a" in the fourth line of the definition, so that the definition of "Hostel" shall read as follows:

"Hostel" shall mean and include every establishment in which men only or women only are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel, tourist home, or private hospital; and,

(iii) That Subsection 2.(2)A.(xi) of Zoning By-law No. 6593 be amended adding the words "lodging house" after the phrase "shall not include a" in the third line of the definition, so that the definition of "Hotel" shall read as follows:

"Hotel" shall mean and include any hotel within the meaning of The Hotel Registration of Guests Act or The Liquor License Act, but shall not include a lodging house, hostel, tourist home, or apartment hotel; and,

(iv) That Subsection 2.(2)A.(xiiaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Residential Care Facility" shall read as follows:

"Residential Care Facility" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff, residing on the premises as a group because of social, emotional, mental or physical handicap or personal distress for the purpose of achieving well-being through either one or more programs of self-help, professional care, guidance, supervision not otherwise beneficially available within the resident's own family or if the resident were residing on the premises where,

(1) the residents are referred to the facility by a hospital, court or government agency; or,

(2) the facility received all or part of its non-capital funds from a government; or,

(3) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal By-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

(v) That Subsection 2.(2)A.(xiiaaa) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "foster home" in the second last line of the definition, so that the definition of "Short-Term Care Facility" shall read as follows:

"Short-Term Care Facility" means a fully detached residential building occupied by a maximum number of supervised residents as permitted by a district, exclusive of staff or a part residential building occupied wholly as to the residential portion of the building by a maximum number of residents as permitted by a district, exclusive of staff, who individually require immediate shelter and assistance for a period normally not exceeding two weeks where,

(1) the residents are referred to the facility by a hospital, court or government agency; or,

(2) the facility received all or part of its non-capital funds from a government; or,

(3) the facility is regulated by or supervised under any Federal or Provincial statute or a Municipal By-law,

but does not include a foster home, lodging house, sanatorium, nursing home or home for the aged; and,

(vi) That Subsection 2.(2)A.(xiv) of Zoning By-law No. 6593 be amended by adding the words "lodging house" after the words "except a" in the last line of the definition, so that the definition of "Tourist Home" shall read as follows:

"Tourist Home" shall mean a dwelling in which men and women are harboured, received or lodged for hire for a single night or for less than a week at one time, except a lodging house, hotel or private hospital.

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,

(c) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. **Greencedar/Firenze Retaining Walls - Area Residents**

Alderman Don Ross attended, together with area residents, and stated that he felt the City had a responsibility to help individuals by either paying for replacement retaining walls or, if the City was not willing to do so, the residents should be able to borrow money through a loan program.

The residents of Greencedar/Firenze were then invited to speak.

Paul Gerics of 91 Firenze advised the Committee that the retaining wall at his property had been built with inferior material and, as a result, had fallen after eight years. It was now an eyesore and resulted in limited use of his own, and his neighbours, backyards. Mr. Gerics cited the By-law which had subsequently reduced the height of retaining walls. He said this indicated that the City knew there was a problem. Mr. Gerics stated that residents were paying taxes, and he expressed concern that if everyone put up individual retaining walls, they would fall down again within a matter of years. He therefore felt the job should be done properly in order that the problem not occur again, and he asked the City for financial assistance in this regard.

Bernie Sobinski of 75 Firenze advised that his property was 10 years old. He showed photographs of the retaining wall and compared them with photographs of a retaining wall in Mississauga which was still standing because it had been built properly.

Jane Damore of 70 Greencedar stated that she was one of the first residents of the area and that, although the retaining wall behind her property was still in good condition, she had seen other properties with problems. She felt the City should either go after the builder, or replace the wall themselves, as the residents did not have the money to do this.

The father of the previous speaker referred to a pile of dirt which had been placed after Ms. Damore's fence was put up and he felt therefore that the retaining wall was not her responsibility.

Les Allan of 79 Firenze agreed that the wall had to be built as one complete wall and proper drainage put in. He said that if people did this on an individual basis it would be done as cheaply as possible and would need redoing in a few years time. He expressed concern that if the wall behind his house fell down, it could take his house with it. He was also concerned with the possibility of a fatality if the wall fell down, and he felt the City should do the necessary replacement.

After further discussion, the Committee approved the following:

That no action be taken with regard to the Greencedar/Firenze retaining walls.

Alderman D'Amico asked that the loan program be implemented as soon as possible for the property owners who had crumbling retaining walls, and requested the Building Department to help out in every way they could and certainly help co-ordinate the work. The Ward Aldermen are to work closely with the neighbours to try and ensure that this happens.

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF LOCAL PLANNING**

**(a) Site Plan Control Application DA-95-12 for a 100 Unit Multiple Dwelling Project at 1355 Limeridge Road East**

The Committee was in receipt of a report dated 1995 April 28 from the Director of the Planning and Development Department and the Chief Administrative Officer in this regard.

John Sakala made a submission with respect to the proposal and the conditions which staff were recommending.

Mr. Zaffiro and Tony DiSilvestro, on behalf of Urbacore Management, spoke against the modifications which, they said, would result in tremendous financial problems if the Site Plan Agreement were not approved and construction commenced.

At this point Alderman William McCulloch joined the meeting.

After considerable discussion, the Committee tabled the foregoing matter. A special meeting is to be held on Tuesday 1995 May 9 subject to the necessary information being available.

**(b) Bill 163 - Amended Planning Act and Comprehensive Set of Policy Statements**

The Committee was in receipt of a report dated 1995 April 25 from the Director of the Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

After discussion, the Committee approved the following:

(a) That Council endorse the "complete application" process including pre-consultation and the use of the "complete application" form established by the Planning Department in regard to development approvals processing as required by the Planning and Municipal Statute Amendment Act; and,

(b) That Planning staff be authorized and directed to prepare the appropriate "complete application" forms and, accordingly, revise processes and procedures for Official Plan Amendments, Zoning By-law Amendments, Site Plan Control Applications and Condominium Conversions in accordance with the provisions of the Planning Act, as amended by the Planning and Municipal Statute Amendment Act, including prescribed information as stipulated in the relevant Regulations and the other information and material required to review all development applications; and,

(c) That the City of Hamilton, on behalf of the Region, give notice and hold the formal public meeting with respect to Draft Plans of Subdivision; and,

(d) That the City Solicitor be directed to prepare a By-law incorporating the necessary amendments to the procedural By-law under Section 105 and 106 of the Municipal Act which delegates the responsibility for holding public meetings to the Planning and Development Committee to include responsibility for public meetings on subdivision applications; and,

(e) That the City Solicitor be directed to prepare a By-law defining the components of a "complete application" form in accordance with the Planning and Municipal Statute Amendment Act.

## CITY SOLICITOR

5. **Partial Reductions for Securities held with Respect to Site Plan Agreements**

The Committee was in receipt of a report dated 1995 April 24 from the City Solicitor respecting the above noted matter.

After discussion the Committee approved the following:

(a) That reductions of security held under Site Plan Agreements be permitted to 50% of the total value of the work required; and,

(b) That reductions be dealt with on a request basis; and,

(c) That a Two Hundred Dollars ($200.) administration fee be levied by the Building Commissioner for each security reduction request; and,

(d) That reduction requests be reviewed and processed by the Building Department upon the production by the Applicant, at the Applicant's sole expense, of an Engineer's Certificate, satisfactory to the Building Commissioner, which indicates:

(i) what works are complete; and,

(ii) the percentage of the total value of the works under the Site Plan Agreement that have been completed to date; and,

(iii) that the amount of security remaining with the City is sufficient to cover the rest of the work required under the Site Plan Agreement; and,

(e) That the City's standard Site Plan Agreement be revised accordingly; and,

(f) That the above changes to the City's Site Plan Policy be implemented so as to be retroactive to all Site Plan Agreements on a request by the Owner basis.

6. PRIVATE AND CONFIDENTIAL AGENDA

**Rental Housing Protection Act Application CU-93-001 - 280 Weir Street North, Hamilton**

Anna Ventreska of Lewis, Brown, Scarfone, Hawkins attended and made a submission with respect to the above noted matter. The Committee then adjourned in camera to discuss this matter.

Reconvening in open session, the Committee approved the following:

That the Planning and Development Committee table consideration of an Offer to Settle the Ontario Municipal Board appeals concerning the above Rental Housing Protection Act Application and Zoning Application to enable the law department to evaluate the offer and report to the Committee on the prospects of successfully defending Councils previous decisions concerning the Applications.

7. CONSENT AGENDA

**A. Adoption of Minutes**

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 April 5 and 25 which were adopted as presented.

**B. Building Commissioner**

**(i) 661 Upper Wellington Street**

The Committee was in receipt of a report dated 1995 April 7 respecting the above noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 661 Upper Wellington Street in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**(ii) 12 Harrison Avenue**

The Committee was in receipt of a report dated 1995 April 21 from the Building Commissioner respecting the above noted matter.

The Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 12 Harrison Avenue in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

**C. Chief Administrative Officer**

**(i) Proposed Draft Plan of Condominium by Regal Castle Developments "Limeridge Condominium" 870 Upper Wentworth Street**

The Committee was in receipt of a report dated 1995 April 26 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

The Committee approved the following:

(a) That approval be given to application CDM-93-01 (Regional File 25CDM-93002R), Regal Castle Developments, owner, to establish a draft plan of condominium "Limeridge Condominium", located at 870 Upper Wentworth Street, subject to the following condition:

(i) That this approval apply to the plan prepared by A.J. Clark and Associates and certified by B. J. Clarke, O.L.S., dated February 14, 1995, showing a total of 22 units; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

**(ii) Authorization for Staff Attendance at Ontario Municipal Board Hearing - 149 Graham Avenue South, 138 Erie Avenue, 114 Royal Avenue**

The Committee was in receipt of a report dated 1995 April 25 from the Director of Planning and Development and the Chief Administrative Officer respecting the above noted matter. The Committee approved the following:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearings regarding appeals to the Committee of Adjustment decisions to approve Application Nos. A-95-17, A-95-26 and A-95-33, respecting properties located at No. 149 Graham Avenue South, No. 138 Erie Avenue and No. 114 Royal Avenue, respectively.

**(iii) Zoning Application ZAR-95-16 - 1024 Upper Wentworth Street - Request for Removal of Holding Provisions**

This item was withdrawn by the Planning and Development Department.

**D. Senior Director - Roads Department**

**Final Lot Grading and Sodding Contract for various subdivisions during 1995.**

The Committee was in receipt of a report dated 1995 April 20 from the Senior Director - Roads Department respecting the above noted matter.

After consideration, the Committee approved the following:

That a purchase order be issued to Crescan Landscape Contractors, Mount Hope, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR5370090.

E. **Secretary, Planning and Development Committee**

**(i) 28-44 James Street North/5-21 King William Street (The Lister Block) - - Referral to Conservation Review Board**

The Committee was in receipt of a report dated 1995 April 10 from the Secretary of the Planning and Development Committee respecting the above noted matter.

The Committee approved the following:

That City Council refer the heritage designation of 28-44 James Street North/5-21 King William Street (The Lister Block) to the Conservation Review Board.

**(ii) Information Items**

The Committee was in receipt of a report dated 1995 April 27 from the Secretary of the Planning and Development Committee respecting the above noted matters.

The Committee approved the following:

That the following information items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes.

(a) Information report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 re: Windermere Basin Study - Land Use Determination.

(b) Information report from the Chief Administrative Officer and the Director of Local Planning dated 1995 April 26 respecting Harbour matters.

(c) Information report from the Director of Local Planning dated 1995 April 24 re: Approved Site Plan Control Application.

8. <u>OTHER BUSINESS</u>

**(i) Commercial Loan Program - 361 Barton Street East**

The Committee was in receipt of a report dated 1995 May 2 from the Building Commissioner respecting the above noted matter.

The Committee approved the following:

(a) That a Commercial Loan in the amount of five thousand, one hundred and eighty-two ($5,182.) be approved for Creative Arts Inc., 401 Main Street East, Hamilton. The interest rate will be 4 7/8 percent, amortized over ten years, and;

(b) That a grant from the Barton Street Revitalization Fund in the amount of five thousand, one hundred and eighty-three ($5,183.) be approved as a complement to the Commercial Loan.

**(ii) Local Planning Function - Reporting Arrangement**

In response to a question regarding the status of the above noted matter, the Director of the Planning and Development Department stated that a written report would be available for presentation as an Information Report to the Finance and Administration Committee and that this matter was presently in the Chief Administrative Officer's hands.

9. ADJOURNMENT

There being no further business the meeting then adjourned.

**Taken as read and approved**

**Alderman Don Drury, Chairperson**
**Planning and Development Committee**

**Stella Glover**
**Secretary**

/cm

1995 May 3

A (ii)

Tuesday, 1995 May 9
6:45 o'clock p.m.
Room 233, City Hall

**A Special Meeting of the Planning and Development Committee was held.**

**There were present:** Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman M. Caplan
Alderman W. McCulloch
Alderman H. Merling
Alderman F. Eisenberger
Alderman B. Charters

**Regrets:** Mayor Morrow - City business
Alderman G. Copps - City business

**Also present:** Alderman M. Kiss
Alderman T. Jackson
Alderman V. Agro
Victor Abraham, Director of Planning
J. Sakala, Planning
P. Noé Johnson, City Solicitor
L. King, Building Commissioner
E. Chajka, Transportation/Environmental Services
A. Ross, Treasurer
Susan K. Reeder, Acting Secretary

1. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT**

**Site Plan Control Application DA - 95 - 12 for a 100 unit multiple dwelling project at 1355 Limeridge Road East.**

The Committee was in receipt of a joint report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 May 9th respecting the above noted matter.

The Committee approved the following:

That approval be given to Site Plan Control Application DA-95-12 by Urbacore Management Limited, prospective owner of lands known as 1355 Limeridge Road East, as shown on the map attached herewith and marked Appendix "A", for development of a 100 unit multiple dwelling project, subject to the following:

(a) modification to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans; and,

(b) submission of a revised grading plan to comply with the approved subdivision grading plan and to the satisfaction of the Manager of Development, Roads Department; and,

(c) finalization of the Plan of Subdivision agreement.

**Note:** Alderman Charters opposed.

**2. REFERRAL FROM REGIONAL CLERK**

Alderman Caplan expressed concerns about transfer stations. The Committee agreed to include a review of transfer stations in the investigation.

The Committee agreed:

That the Director, Planning and Development be directed to investigate the use of a rendering plant in a "K" zoning district, as it relates to the incident at Frid Street.

**OTHER BUSINESS**

**City Solicitor - Information Report - Corporate Policy - Enforcement of By-laws.**

The Committee agreed to receive the above-noted Information Report dated 1995 May 9th.

The Committee agreed to ask staff to report back to the next meeting of the Planning and Development Committee on the administrative processes that will be followed in this matter.

**ADJOURNMENT**

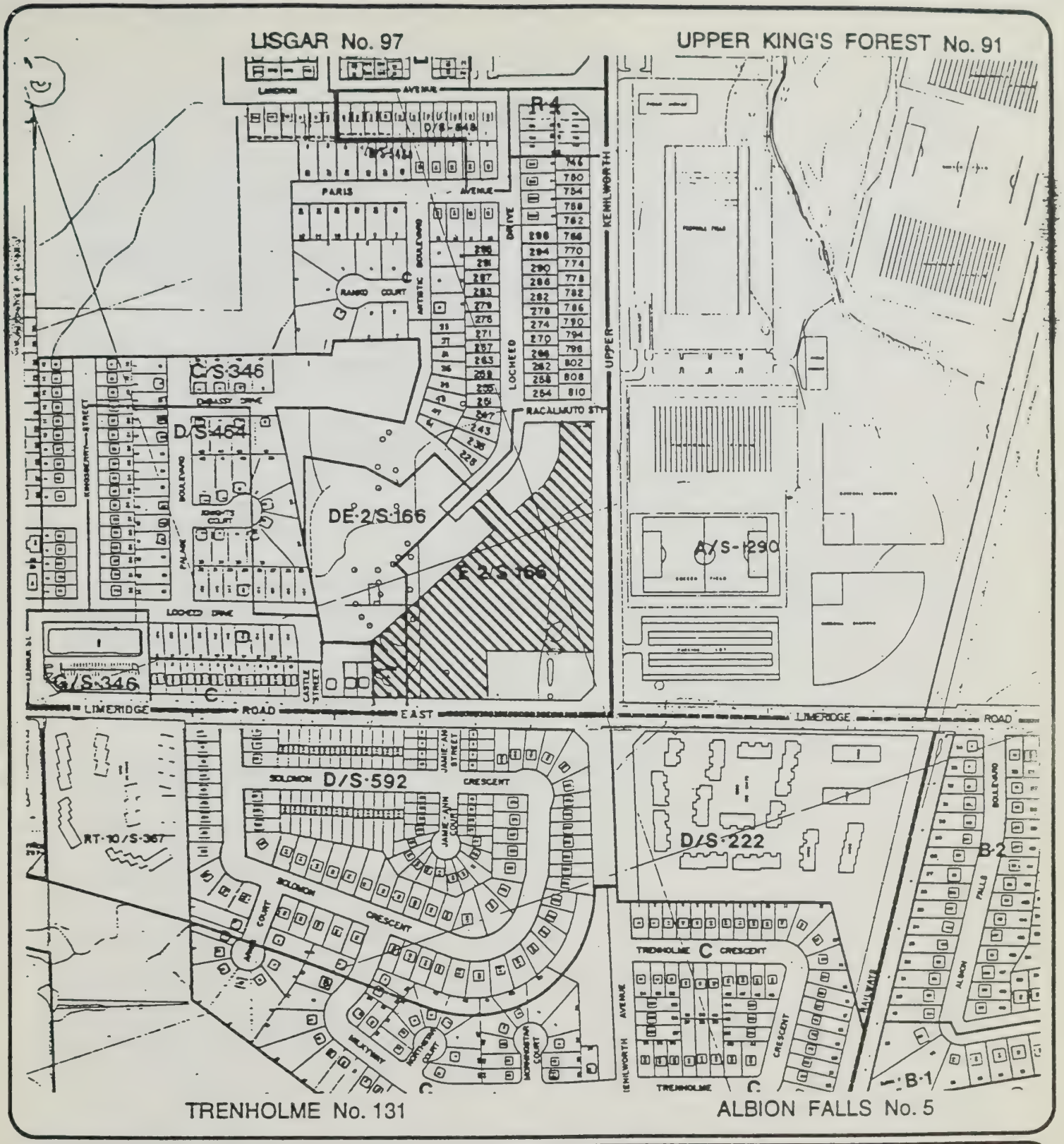
**There being no further business, the meeting then adjourned.**

**Taken as read and approved,**

**ALDERMAN D. DRURY, CHAIRPERSON**
**PLANNING AND DEVELOPMENT COMMITTEE**

Susan K. Reeder.

**Susan K. Reeder,**
**Acting Secretary**
**1995 May 9th**




City of Hamilton

Plan Showing Lands Subject to

# Site Plan Control Application DA-95-12

Planning and Development Department

Legend

Site of the Application

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | DA-95-12 |
| | Date | Drawn By |
| | APRIL 1995 | Z. K. |

# CITY OF HAMILTON

## - RECOMMENDATION -

B.

**DATE:** 1995 May 15

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
514-516 Burlington Street East
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 514-516 Burlington Street East, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

PRESENT ZONING: K/S-727 (Map E20)

PRESENT USE: Duplex

PROPOSED USE: Burlington Street Widening Project

BRIEF DESCRIPTION: Two storey masonry building. Owner wishes to demolish existing building for road widening project.

No LACAC interest. Lot size 80 x 32.

The owner of the property as per the demolition permit is:

Region of Hamilton-Wentworth.

SH/bel

C(i)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** May 16, 1995

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Authorization for Staff Attendance at an Ontario Municipal Board Hearing

***RECOMMENDATION:***

1. That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-57, respecting property located at No. 187 Napier Street.

V. J. Abraham J. G. Pavelka

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

It is estimated that one working day of staff time each will be required, for one representative from the Planning Department (approximately $250) and one from the Law Department (approximately $500), for preparation and attendance at the Ontario Municipal Board hearing. These costs are covered by the respective Departmental Work Programs/Budgets, therefore, no additional funds would be required.

***BACKGROUND:***

Committee of Adjustment application A-95-57 has recently been appealed to the Ontario Municipal Board. At its meeting of April 12, 1995, the Committee accepted Planning staff's

recommendation and denied the application. The proposal is to permit the property at No. 187 Napier Street to be utilized for a converted two-family dwelling, notwithstanding that no parking is provided, whereas the By-law requires the provision of two parking spaces. A date for the Board hearing has not yet been set.

***CONCLUSION:***

Consistent with current practise in these matters, it is appropriate to seek the Planning and Development Committee's authorization for the appropriate staff to attend the above-noted hearing.

CL-M

C (ii)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 April 28
DA-95-14 (ZA-92-19)
Kirkendall North Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P.,R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Site Plan Control Application DA-95-14 for a parking lot at 412 Charlton Avenue West.

***RECOMMENDATION:***

That Site Plan Control Application DA-95-14 by Roland P. Baldessarini, owner of lands at 412 Charlton Avenue West, as shown on the attached map, for development of a parking lot, be DENIED on the basis that the proposed development is not permitted by the zoning regulations.

V. Abraham

J. Pavelka

***BACKGROUND:***

Plans have been submitted for a parking area to accommodate 11 spaces on the lands at 412 Charlton Avenue West, as shown on the attached map. The parking lot is to be used in conjunction with the existing Liquor Control Board outlet located at 233 Dundurn Street South.

The attached reduced Landscape Plan shows the proposed site development on Charlton Avenue West and the existing development on Dundurn Street South.

The existing driveway on Charlton Avenue West is proposed to be widened to accommodate two way traffic. New 1.8m high wood fencing will be on the north and east boundaries. A wood fence stepping down in height from 1.8m to .9m is to be located along the landscape area adjacent to Charlton Avenue.

***COMMENTS RECEIVED:***

The Building Department has advised the following:

"1. The use is not permitted.
2. I understand that an application to rezone the property to G-3 was denied by City Council, but is before the Ontario Municipal Board and the applicant wishes to proceed with this application conditional upon the approval being successful. The following comments apply in that case:
    a)the existing structures are to be demolished under a Building Permit,
    b)all lighting shall be directed away from lands designated for residential use."

The Traffic Department has provided the attached comments related to access driveway width, parking layout and island detail.

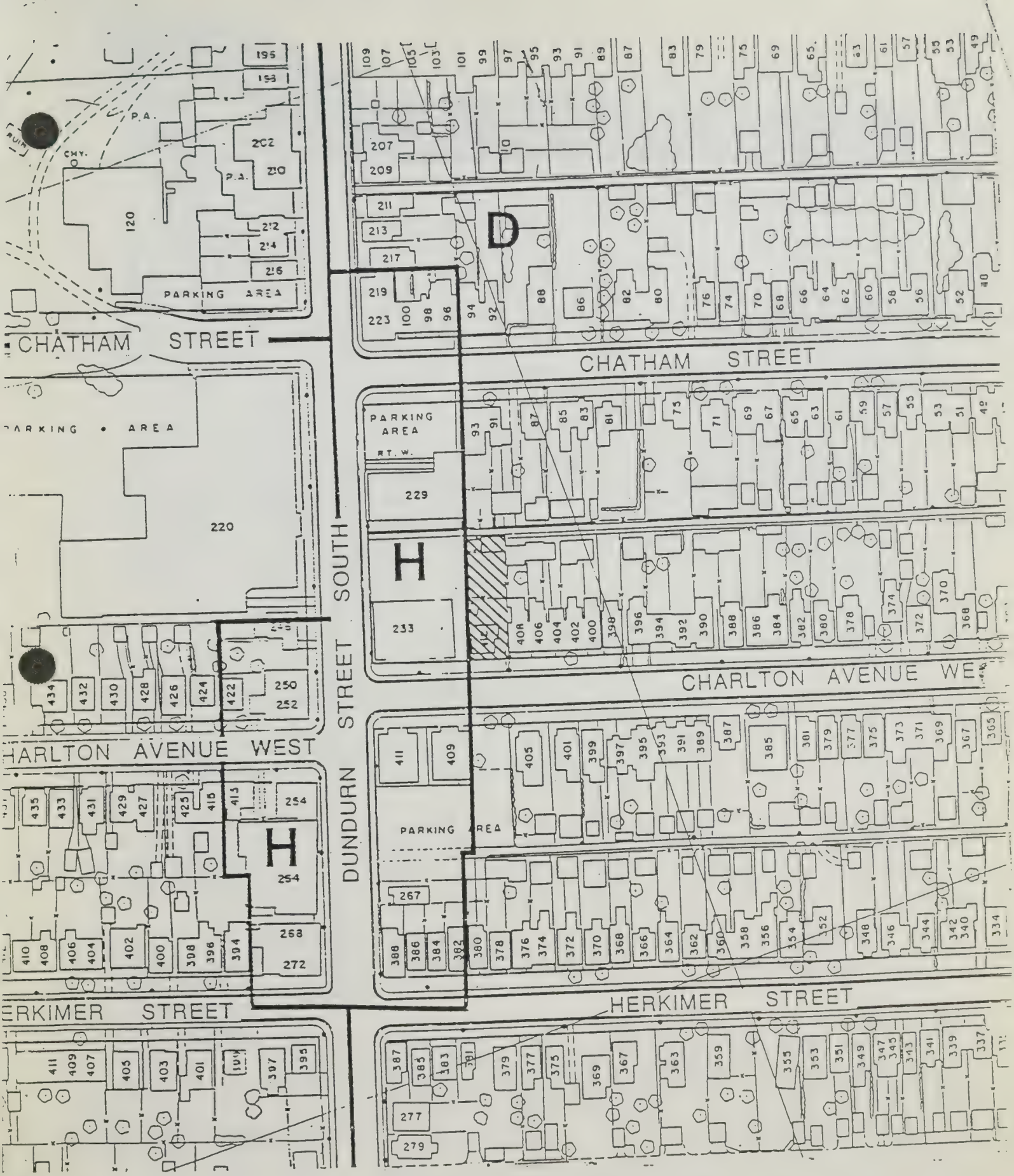
***COMMENTS:***

The submitted plans include the Site, Grading and Landscape Plans for the subject lands and include the existing property at 233 Dundurn Street South. A Lighting Plan which would usually be included as a required plan under Site Plan Control has not been provided.

The proposed development was the subject of Zoning Application ZA-92-19. At its meeting of February 23, 1995, City Council denied the Zoning Application on the basis that "it represents an undesirable extension of a commercial use into an established residential area".

The application for Site Plan Approval should therefore be denied since the use is not permitted.

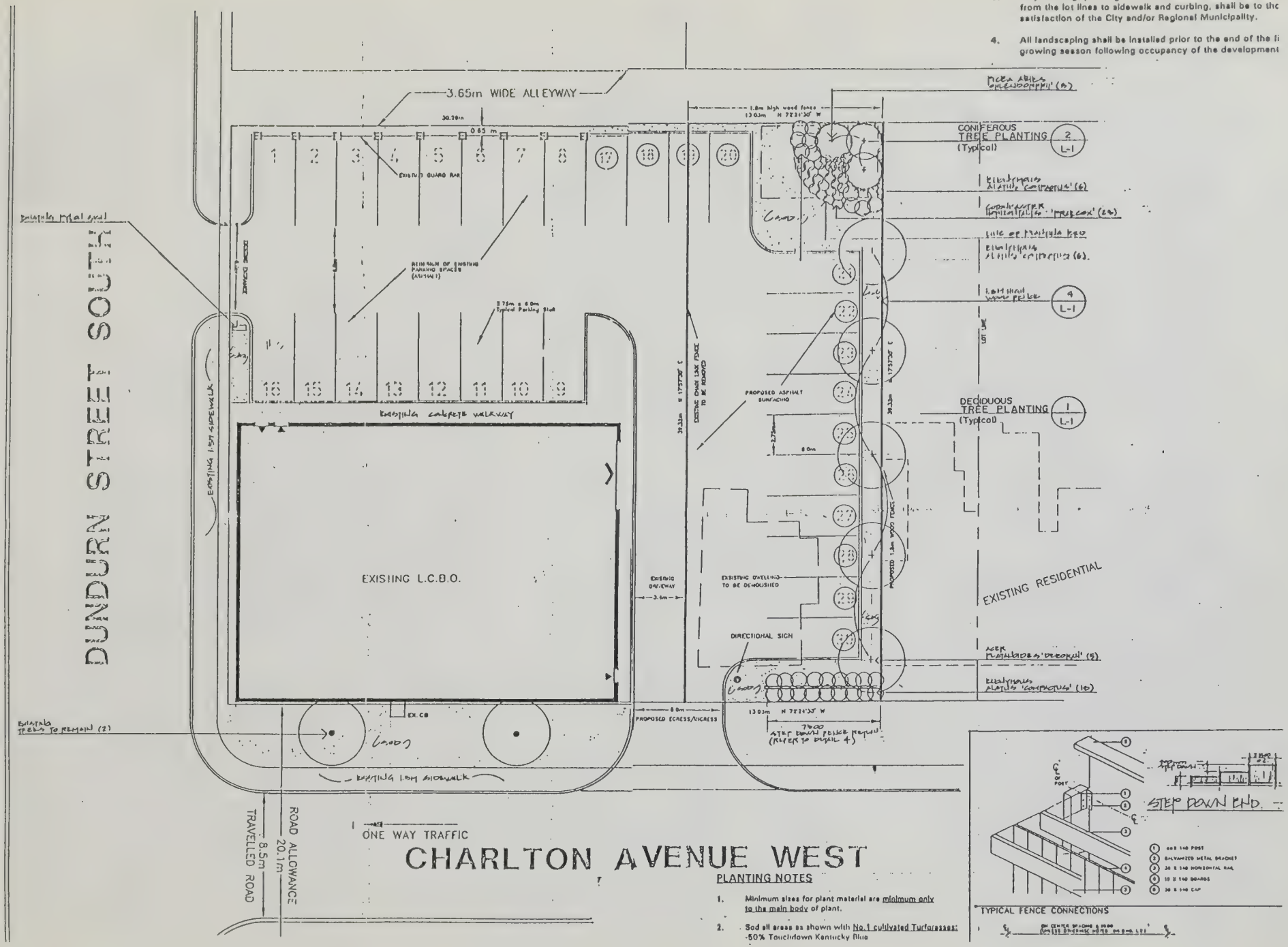
JPS/DA95-14.R




Legend

Site of the Application

ZA 92-19
DA 95-14.




by-law

3. Any sodding, planting or work on lands abutting the proj from the lot lines to sidewalk and curbing, shall be to the satisfaction of the City and/or Regional Municipality.

4. All landscaping shall be installed prior to the end of the fi growing season following occupancy of the development

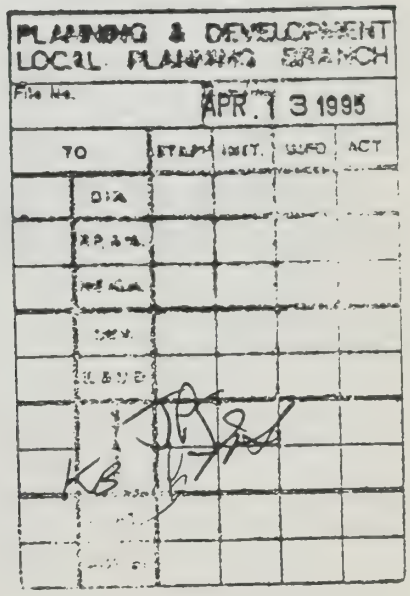
## PLANTING NOTES

1. Minimum sizes for plant material are minimum only to the main body of plant.
2. Sod all areas as shown with No.1 cultivated Turfgrasses: -50% Touchdown Kentucky Blue

TRAFFIC DEPARTMENT

City of HAMILTON

71 Main Street West, Hamilton, Ontario, L8N 3T4
Tel. (905) 546-4510 / Fax (905) 546-2419




1995 April 12

Mr. V. J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Department

Attention: Mr. John Sakala

Dear Sir:

**Re: DA-95-14**
**412 Charlton Avenue West**

In response to your letter of 1995 April 4, please be advised that we have reviewed the above application and have the following comments.

We recommend that the parking layout and access design be modified, as shown in red on the attached plan, in order to maximize the depth of the driveway from Dundurn Street while maintaining the same number of parking spaces and avoid backups onto Dundurn Street when vehicles are entering and exiting parking spaces 1 and 16.

In addition, we recommend that the raised concrete island adjacent to parking space 9 be reduced in length to improve manoeuvring through the parking area and the access to Charlton Avenue be widened to 7.5 m.

We approve of the location of the modified access in principle, but the applicant should be advised that an application must be made to the Traffic Department for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. Four copies of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees, etc.

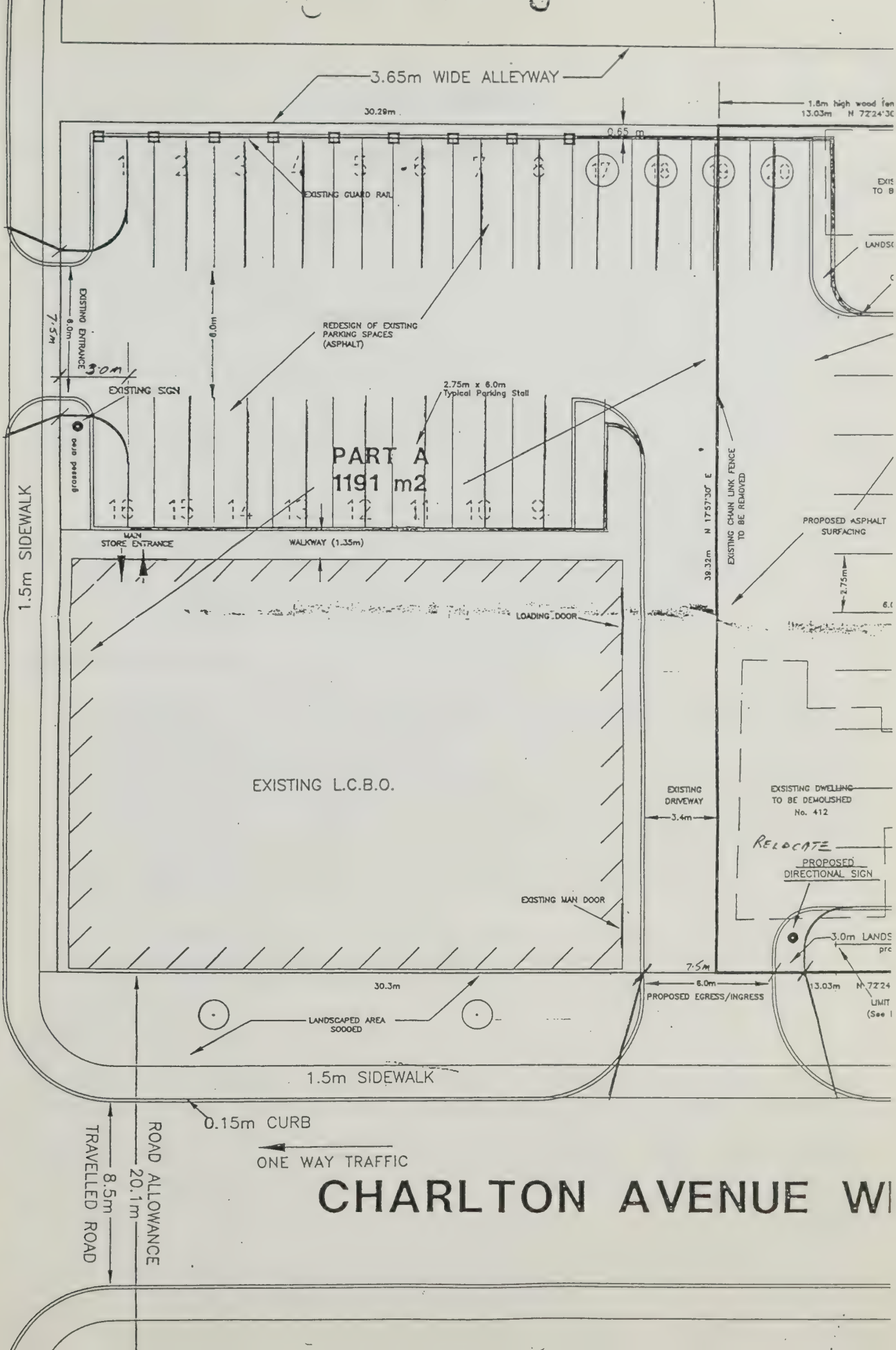
Should you require any additional information, please contact Bill Ferguson at 546-4575.

Yours truly,

Murray F. Main, P.Eng.
Director of Traffic Services

RK/BF/kg
Attach.

c.c. E.P. Chajka, Manager of Development, Roads Department


3.65m WIDE ALLEYWAY
30.29m
0.65 m
EXISTING GUARD RAIL
REDESIGN OF EXISTING PARKING SPACES (ASPHALT)
2.75m x 6.0m Typical Parking Stall
EXISTING ENTRANCE
7.5M
6.0m
3.0m
EXISTING SIGN
PART A
1191 m2
MAIN STORE ENTRANCE
WALKWAY (1.35m)
1.5m SIDEWALK
EXISTING CHAIN LINK FENCE TO BE REMOVED
39.32m N 17°57'30" E
PROPOSED ASPHALT SURFACING
2.75m
LOADING DOOR
EXISTING L.C.B.O.
EXISTING DRIVEWAY
3.4m
EXISTING DWELLING TO BE DEMOLISHED
No. 412
RELOCATE
PROPOSED DIRECTIONAL SIGN
EXISTING MAN DOOR
3.0m LANDS
7.5m
30.3m
6.0m
PROPOSED EGRESS/INGRESS
13.03m
LANDSCAPED AREA SODDED
1.5m SIDEWALK
0.15m CURB
ONE WAY TRAFFIC
ROAD ALLOWANCE 20.1m
8.5m TRAVELLED ROAD
CHARLTON AVENUE W

C (iii)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 May 15
ZAR-95-16
Bruleville Neighbourhood

*REPORT TO:* Ms. Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Request for removal of a holding provision - 1010-1024 Upper Wentworth Street

*RECOMMENDATION:*

1. That approval be given to Zoning Application ZAR-95-16, 891157 Ontario Limited (R. Yates), owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit commercial development including a restaurant use, for property located at No. 1010-1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding provision was placed on the subject lands conditional upon the applicant/owner receiving Site Plan approval, and receiving approvals and amendments for access to the lands from Regional Council, as required by the Regional Roads Department, which conditions have now been satisfied.

2. That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-laws No. 85-171 and 93-145, and Zoning District Map E-18A, in a form satisfactory to the City Solicitor, for presentation to City Council.

*EXPLANATORY NOTE:*

The purpose of the proposed By-law is to remove the 'H' - Holding symbol, for lands located at No. 1010-1024 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A". The 'H' - Holding symbol was placed on the subject lands until such time as the applicant/owner applies for and receives approval of a Site Plan Control application, and approvals and amendments for access to the lands from Regional Council, as required by the Regional Roads Department.

The effect of the By-law is to permit commercial development of the subject lands, including a restaurant, in accordance with the "HH" (Restricted Community Shopping and Commercial) District, modified regulations.

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

- Official Plan Amendment No. 31 and By-law No. 85-171

Official Plan Amendment No. 31 (Special Policy Area 33) and Zoning By-law No. 85-171 had the effect of prohibiting high traffic generating commercial and public uses, including restaurants, for certain commercial lands along Upper Wentworth Street, between Mohawk Road and Limeridge Road, including the subject lands.

- Official Plan Amendment No. 121 and By-law No. 93-145

On June 29, 1993, Council adopted Official Plan Amendment No. 121 and passed Zoning By-law No. 93-145. Official Plan Amendment No. 121, approved by the Region on July 30, 1993, amended Special Policy Area 33, to allow a restaurant use at No. 1010-1024 Upper Wentworth Street. By-law No. 93-145 provided for further modifications to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a restaurant use with a maximum gross floor area of 375 $m^2$, require buffering and landscape provisions, and allow a setback variance for a ground sign. In addition, due to concerns regarding various approvals required for site access and the need for review of site details (ie. access, manoeuvring, etc.), the 'H' - Holding provision was applied. Removal of the 'H' symbol was subject to Site Plan approval and the necessary approvals for access.

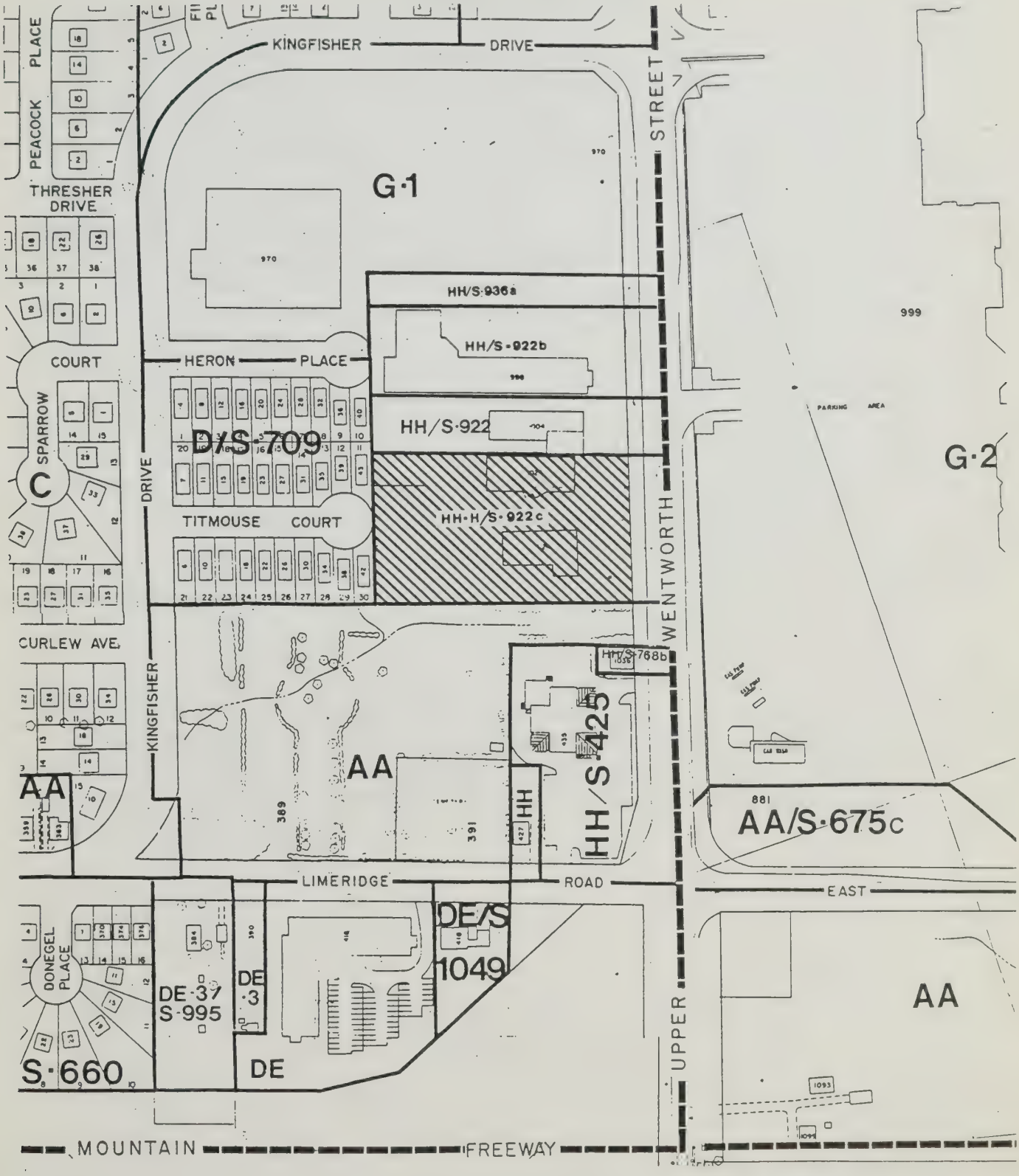
- Access Agreement and Site Plan Application DA-92-64

In December of 1994, the requirements of an access agreement were met, satisfactory to the Regional Roads Department. On April 20, 1995, Site Plan Application DA-92-64, for 1010-1024 Upper Wentworth Street, was finalized.

*CONCLUSION:*

On the basis that a Site Plan has been approved and an access agreement has been finalized, it is appropriate to remove the 'H' - Holding symbol from the subject lands.

CL-M




Legend

Site of the Application

ZAR-95-16

APPENDIX A

D

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** May 11, 1995
S723-66 P. Strong

**REPORT TO:** Mrs. T. Agnello, Secretary
Planning and Development Committee

**FROM:** E. M. Gill, P.Eng.
Senior Director
Roads Department

**SUBJECT:** **"WISEMOUNT ESTATES - PHASE 7", Hamilton**
**(Cash Payment in Lieu of 5% Parkland Dedication)**

**RECOMMENDATION:**

That the City of Hamilton accept the sum of $115,225.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 7, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51.1 of the Planning Act.

**E. M. Gill, P.Eng.**

cont'd...

**DATE:** May 11, 1995

**"WISEMOUNT ESTATES - PHASE 7", Hamilton**
**(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financing costs associated with this report.

**BACKGROUND:**

The owner of Wisemount Estates - Phase 7 (822827 ONTARIO INC.TRUST) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $115,225.00.

The lands of Wisemount Estates - Phase 7 are located on the west side of Upper Kenilworth Avenue between Landron Avenue and Limeridge Road East in the Lisgar Neighbourhood.

ps
encl.

cc: D. Cobb, City Treasury
cc: R. Buckle, City Real Estate Department

E.

# CITY OF HAMILTON

## -RECOMMENDATION-

**DATE:** 1995 May 17

**REPORT TO:** Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **Information Items**

**RECOMMENDATION:**

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

Information Report dated 1995 May 15 from the Chief Administrative Officer/Director of Planning and Development re Approved Site Plan Control Application

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes, and is being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1995

Ken Roberts
C.E.O. Hamilton Public Library
2nd floor
URBAN MUNICIPAL

JUN 21 1995
GOVERNMENT DOCUMENTS

# NOTICE OF MEETING

## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1995 June 21st**
**9:30 o'clock a.m.**
**Room 233, City Hall**

Stella Glover

**Stella Glover, Secretary**
**Planning and Development Committee**

## AGENDA

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Zoning Application 95-09, by Thomas S. Loth, owner, for a modification to the established "C" District regulations, for property located at No. 207 Fairleigh Avenue South.

   (a) Submission - John and Doris Davidson, 213 Fairleigh Avenue South
   (b) Submission - Linda Etty, 206 Fairleigh Avenue South

2. **RENTAL HOUSING PROTECTION ACT - 9:30 A.M.**

   (a) Application CD-95-004 - 41-43 Albert Street, Blakely Neighbourhood
   (b) Application CD-95-005 - 352-356 Hunter Street East, 122 Emerald Street South
   (c) Application CD-95-007 - 97-101 Connaught Avenue South

3. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT**

   a) Site Plan Control Application DA-92-04, by P. Barnett Construction Ltd., to amend DA-83-35 and DA-81-52 to eliminate the access from Landron Avenue for an existing apartment building at 700 Upper Kenilworth Avenue.

   (b) Proposed Draft Plan of Condominium by Benemar Construction "Benemar Condominium

4. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

(a) International Village Business Improvement Area (B.I.A. - Revised Schedule of Payment for 1995
(b) Crown Point East/McAnulty Neighbourhoods - Community Improvement Plan

5. **BUILDING COMMISSIONER**

(a) Barton Street Revitalization - Mural
(b) Demolition Permits for One and Two Family Dwellings
(c) Greencedar Retaining Walls (report to follow)

6. **LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Victoria Hall/Mackay Building (the Foster Building) - Request for Independant Assessment (report to follow)

7. **SELECTION COMMITTEE**

Appointments to Local Architectural Conservation Advisory Committee and Central Area Plan Implementation Committee (report to follow)

8. **CONSENT AGENDA**

9. **PRIVATE AND CONFIDENTIAL AGENDA**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

| No. | Item | Original Date | Action | Status |
|---|---|---|---|---|
| 1. | Mobile Signs | | Planning | Report Pending |
| 2. | Definition of "Foster Home" and "Residential Care Facility" | 1992 November 18 | Alderman T. Cooke | Planning & Building Departments to prepare a report |
| 3. | Implementation of Public Participation Policies - Central Area Plan | 1993 March 24 | Planning | Planning to prepare guidelines based on CAPIC Report dated 1993 March 11 |
| 4 | Mayor's Task Force on Downtown Issues | 1994 April 16 | Various Departments | Reports forthcoming to Committee. |
| 5. | ZA-93-47<br>200 Rymal Road East | 1994 April 20 | Applicant | Tabled to allow applicant to resubmit amended application. |
| 6. | Site Plan Control Application DA-92-13, 95 Mary Street | 1994 June 22 | Staff to meet with Applicant to determine acceptable option | Tabled |
| 7. | ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance | 1994 July 20 | O.M.B. | Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue |
| 8. | ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East | 1994 August 24 | Staff, applicant and residents to resolve concerns | Tabled - to be recirculated if application is modified |
| 9. | ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation | 1994 October 5 | | Tabled at applicant's request to resolve outstanding issues |
| 10. | Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue | 1994 December 7 | Public Works and Traffic | Staff to report back on total costs for the reconstruction of the traffic islands |

# CITY OF HAMILTON
# - RECOMMENDATION -

***DATE:*** 1995 June 13
ZAC-95-09
St. Clair Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Request for a modification in zoning - No. 207 Fairleigh Avenue South

***RECOMMENDATION:***

That Zoning Application ZAC-95-09, Thomas. S. Loth, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the existing three-family dwelling (triplex), for property located at No. 207 Fairleigh Avenue South, as shown on the attached map marked as APPENDIX "A", be **DENIED** on the following basis:

i) The proposal does not comply with the Approved St. Clair Neighbourhood Plan, which designates the subject lands "Single and Double Residential";

ii) The proposal conflicts with Council adopted policy regarding Housing Intensification and the implementing Zoning By-law No. 92-281, which permit conversions of single-family dwellings as-of-right in all low density residential zones, for one additional unit. In this regard, it is Council policy to allow conversions in "C" (Urban Protected Residential, etc.) Districts for a maximum of two dwelling units (ie. duplex);

iii) The proposal represents the intrusion of a three-family dwelling into the interior of a predominantly one and two-family dwelling neighbourhood. Furthermore, the inability to provide parking in accordance with Zoning By-law standards increases the demand for on-street parking. In this regard, the proposal has the potential to alter the character of the low density residential neighbourhood; and,

iv) Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.

V. J. Abraham

J. S. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

- Proposal

  The applicant is requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize a converted three-family dwelling (triplex) within the 2 1/2 storey home at 207 Fairleigh Avenue South (see APPENDIX "A"). A maximum of two unobstructed parking spaces are provided in a gravel parking area in the rear yard (see APPENDIX "B").

- Order To Comply

  An Order to Comply was issued on August 10, 1994 respecting illegal use of the subject property for a three-family dwelling and requiring the owner to reduce use of the dwelling to two units, or legalize the existing use of three dwelling units (see APPENDIX "C"). It is understood that this application was initiated as a result of the Order.

- Residential Boulevard Parking Agreement

  An application for front yard boulevard parking was denied in August of 1993, since there is insufficient area in the front yard to allow for parking while maintaining the required minimum 50% landscaped area. Notwithstanding this denial, according to the Traffic Department, the front yard of the dwelling was subsequently converted for parking purposes. Enforcement was required to rectify the situation.

*APPLICANT:*

Thomas S. Loth, owner.

*LOT SIZE AND AREA:*

The subject lands have:

- a frontage of 12.04 m (39.50 ft.);
- a depth of 24.38 m (80 feet); and,
- a lot area of 293.54 $m^2$ (3,159.69 sq. ft.).

*LAND USE AND ZONING:*

| | Existing Land Uses | Existing Zoning |
|---|---|---|
| Subject Lands | Three-family dwelling | "C" (Urban Protected Residential, etc.) District |
| Surrounding Lands | | |
| to the north | Two-family dwelling | "C" (Urban Protected Residential, etc.) District |
| to the east | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |
| to the south | Two-family dwelling | "C" (Urban Protected Residential, etc.) District |
| to the west | Single-family dwellings | "C" (Urban Protected Residential, etc.) District |

*OFFICIAL PLAN:*

The subject lands are designated RESIDENTIAL on Schedule 'A' - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;"

In addition to the above, the subject lands are located in SPECIAL POLICY AREA 1c, which identifies lands that fall within the Niagara Escarpment Plan - Urban Area. The policies deal with the visual and natural environment related to the Escarpment and do not address small-scale intensification issues.

Introduction of a three-family dwelling in an area predominated by single and two-family dwellings conflicts with the intent of policy C.7.3 iii), which states that redevelopment should recognize and enhance the scale and character of the existing residential area. In addition, the proposal conflicts with policy C.7.1 which states that in order to achieve high standards of residential amenity, adequate off-street parking should be provided and maintained. However, if the application were approved, an amendment to the Official Plan would not be required.

***NEIGHBOURHOOD PLAN:***

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" by the Approved St. Clair Neighbourhood Plan. The proposal to permit a three-family dwelling does not comply with the Approved Neighbourhood Plan, however, the designation should not be changed if the application is approved.

***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advise they have no objection.

- The Building Department advises:

"1. An Order to Comply dated August 10, 1994 (copy attached) was issued requiring the owner to reduce occupancy to the permitted two family dwelling.

2. The use of the building is legally established two family dwelling.

3. Four (4) parking spaces are required to be provided on site. The parking must comply with Section 18A of Zoning By-law No. 6593. It appears that the rear yard is not wide enough to provide the required parking."

- The Regional Roads Department advises:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

Transportation's Comments

In the absence of details provided, any works which may occur within the Fairleigh Avenue South road allowance must conform to the City of Hamilton Streets By-Law."

- The Traffic Department advises:

"A site inspection of the subject property indicates that three vehicles are presently being parked in the rear yard. However, the limited area of the rear yard may restrict the independent operation of these parking spaces. Our review of the submitted plan indicates that a maximum of two unobstructed parking spaces can be provided in the rear yard that comply with the requirements of the Zoning By-law as to the size of the parking space and the required manoeuvring area.

In 1993 a concern was raised by the area residents regarding the illegal use of the front yard for parking following the denial of an application for residential boulevard parking. Enforcement was initiated to correct the situation.

Parking for three-unit residential dwellings is required at the rate of 1.33 spaces per dwelling unit or four spaces. Failure to provide sufficient parking in accordance with by-law requirements, which allows for the independent use, increases the demand for on-street parking in the area."

- The Niagara Escarpment Commission advises:

"Please be that the Niagara Escarpment Commission would not object, in principle, to the above-noted Proposed Zoning By-law Amendment, subject to the intent of all relevant municipal Official Plan and Zoning By-law requirements being met.

It is the Niagara Escarpment Commission's understanding that this proposed zoning by-law amendment is to allow the establishment of a triplex/three dwelling unit. The property is designated **Urban Area** in the Niagara Escarpment Plan."

*COMMENTS:*

1. The proposal conflicts with the intent of the Official Plan, which designates the subject lands "Residential" and states that redevelopment should recognize and enhance the scale and character of the existing residential area and encourages a high standard of residential amenity through means such as the provision and maintenance of adequate off-street parking. However, if the application is approved, an amendment would not be required.

2. The proposal does not comply with the Approved St. Clair Neighbourhood Plan. However, if the application is approved the "Single and Double Residential" designation should be maintained.

3. The application cannot be supported for the following reasons:

    - The proposal does not comply with the Approved St. Clair Neighbourhood Plan, which designates the subject lands "Single and Double Residential";

    - The proposal conflicts with Council adopted policy regarding Housing Intensification and the implementing Zoning By-law No. 92-281, which permit the conversion of single-family dwellings as-of-right in all low density residential zones, for one additional unit. In this regard, it is Council policy to allow conversions in "C" (Urban Protected Residential, etc.) Districts for a maximum of two dwelling units (ie. duplex). Furthermore, as a result of the Housing Intensification study, conversions to three-family dwellings (triplexes), which were previously permitted in the "D" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, have been deleted as a permitted use;

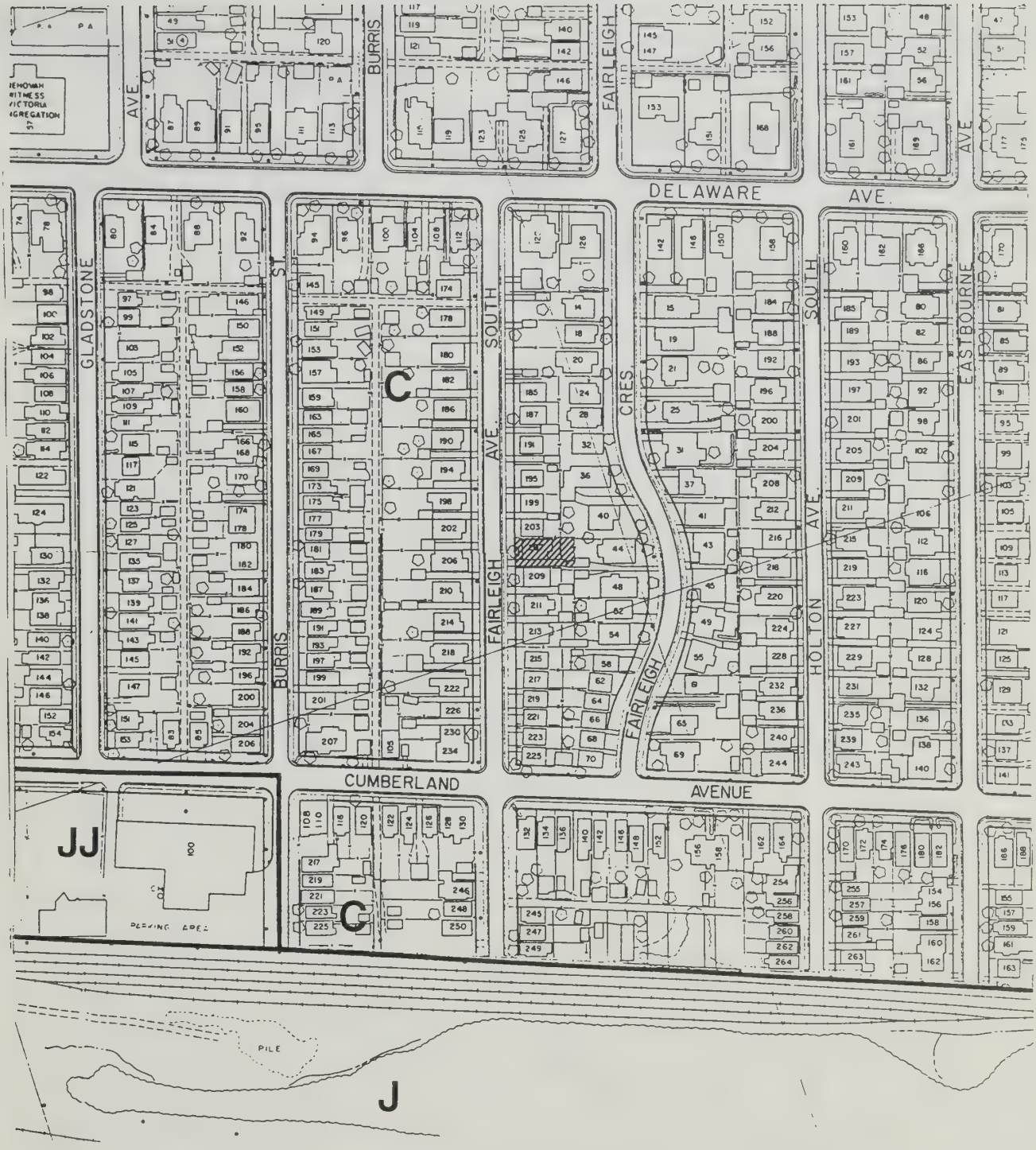
    - The proposal represents the intrusion of a three-family dwelling into the interior of a predominantly one and two-family dwelling neighbourhood. Furthermore, the inability to provide parking in accordance with Zoning By-law standards increases the demand for on-street parking. In this regard, the proposal has the potential to alter the character of the low density residential neighbourhood; and,

    - Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.

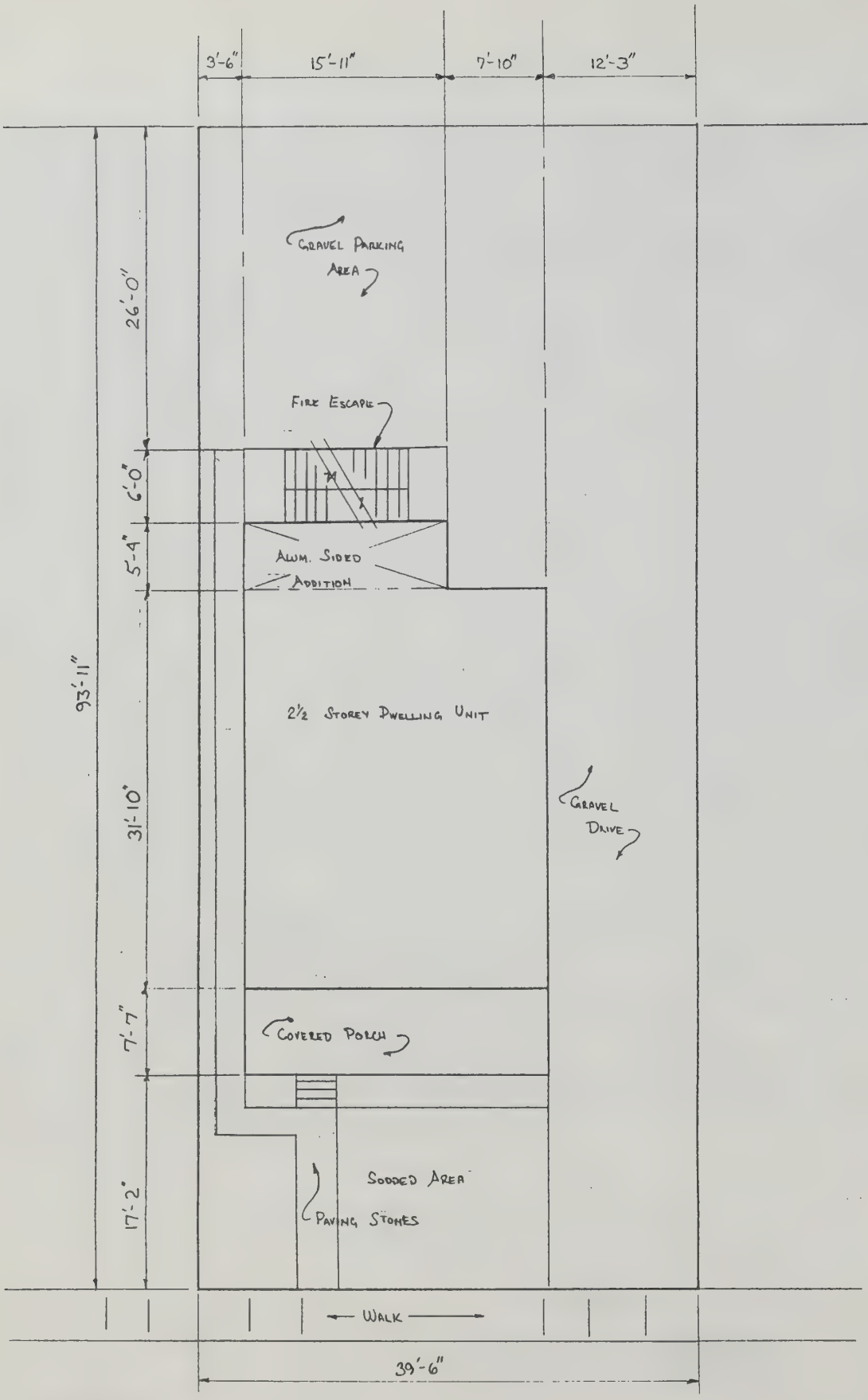
*CONCLUSION:*

On the basis of the foregoing, the application can not be supported.

CL-M


DELAWARE AVE.
GLADSTONE
BURRIS ST
SOUTH AVE.
FAIRLEIGH
CRES.
HOLTON AVE.
EASTBOURNE
CUMBERLAND AVENUE
C
C
JJ
J
PILE
Legend
Site of the Application
ZAC-95-09

APPENDIX A




207 FAIRLEIGH AVENUE SOUTH SCALE ⅛" = 1'-0"

APPENDIX B

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

# ORDER TO COMPLY

FILE NO:

| ISSUED TO | LOCATION |
|---|---|
| Thomas Steven Toth | 207 Fairleigh Ave S AUG 1 1 1994 |
| 207 Fairleigh Ave S | HAMILTON, Ontario. |
| Hamilton, Ontario | |
| L8M-2K6 | |

TAKE NOTICE THAT THE building
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

| ITEM | REFERENCE | DESCRIPTION |
|---|---|---|
| 1. | City of Hamilton Zoning By-Law 6593, as amended Section "C" | The building is being used as a three (3) family dwelling.<br>REQUIREMENT TO COMPLY:<br>Reduce occupancy to a two (2) family dwelling or legalize the present use. |

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN thirty (30) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

| REGISTERED MAIL<br>Posted at site<br>~~RECEIVED BY~~ | August 10-94<br>DATE | Gary A. Daly<br>INSPECTOR | DATE |
|---|---|---|---|

PHONE DIRECT 546-2782
8 AM - 9 AM

APPENDIX C

FORM 464

1 (a)

June 9th 1995.

Secretary of the Planning and Development Committee
Hamilton, Ontario.

Dear Sir/Madam,

Re: 207 Fairleigh Avenue South:

This is to register our objection to the proposed zoning of the above property to allow a triplex.

This is a residential neighbourhood , an old one, so parking is a problem - in any case we do not think it is the right area to run a business.

We have no complaint at the moment but who knows what may happen if this is allowed to proceed.

We urge you not to allow this re-zoning.

Sincerely,

John and Doris Davidson
213 Fairleigh Avenue South,
Hamilton, Ontario L8M 2K6

cc Alderman B. Morelli
Alderman D~~urry~~ RURY.

1 (b)

June 11,1995.

City Hall,
Hamilton, Ontario.
L8N 3T4.

RE: 207 Fairleigh Avenue, South.

Secretary,
Planning and Development Committee.

My family reside at 206 Fairleigh Avenue South, directly across the street from 207 Fairleigh Avenue South. We strongly oppose the modification of zoning to allow for a legal triplex.

The precedent this would create will allow many more such triplexs on this street in the future and although Mr. Loth, as an absentee landlord, has done a commendable job not all landlords are the same. And even though Mr. Loth has done well we still have had police responses to noisy parties, the gas metre knocked free from the house by an intoxicated guest and a very loud domestic dispute in the middle of the street. This is not condusive to a family oriented street.

I am sure the Planning and Development Committee has heard the litany of complaints regarding triplexs-parking on lawns, crowded street parking, garbage left unattended, noise and neglected buildings. You must realize that by allowing these modifications to the "C" Urban Protected Residential, you are destroying another street. When one more house was triplexed on Burris Avenue it was the last straw-three families moved away. Fairleigh Avenue South has two trillium award winners, what will they do ?

Yes, you can talk about square footage, parking spaces per tenant, green zones but consider the tax payers who have pride in their homes and neighbourhood and must deal with these triplexs on a daily basis. The owners of these buildings are business persons out to make a dollar. Their tenants are basically nomads-here this month and gone the next. Neither care what they do on the street and are not part of the neighbourhood.

We at 206 Fairleigh Avenue South have seen and heard it all from Burris Avenue behind us and we do not want it on Fairleigh Avenue in front of us. I urge the members of the Planning and Development Committee to consider the plight of long time residents of Fairleigh Avenue South and many other avenues and streets in the lower city that are being drastically altered by allowing modifications and exceptions to bylaws meant to protect them.

Yours truly,

Linda Etty

2 (a)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 8
(CD-95-004)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:*

Rental Housing Protection Act Application CD-95-004 -
41-43 Albert Street, Blakely Neighbourhood

*RECOMMENDATIONS:*

1. That approval be given to Application CD-95-004, under the Rental Housing Protection Act, Sachetta Investments, owner, for conversion of 12 rental apartment units to condominium units for the property located at 41-43 Albert Street, subject to the following conditions:

   (a) That the Owner offer, in writing, to the Tenants named in Appendix "A", the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

      (i) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

      (ii) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

      (iii) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

(iv) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;

(c) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein;

(g) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

***Owner***

Sachetta Investments, owner.

***Existing Building***

The subject property is comprised of one apartment building, three storeys in height, with a total floor area of approximately 8,400 square feet. The year of construction is not known. A total of 12 rental one-bedroom apartment units are contained within the apartment building. As of June 5, 1995, 1 of the 12 units in the building was vacant.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 41-43 Albert Street was submitted to the City on February 28, 1995. The subject property is shown on the attached key map. The proposal is to convert 12 one-bedroom rental apartment units to condominium. The agent for the applicant has indicated the units will be sold for "in the $50,000 range." The applicant's agent has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

An application for approval of a Plan of Condominium for the subject property has been submitted to the City of Hamilton as well. This application is being held in abeyance until Council has considered this Rental Housing Protection Act application.

***Pending Applications - Megna Real Estate***

The agent for the owner, Mr. Bruno Megna of Megna Real Estate Limited, has submitted a total of nine applications for conversion to condominium for properties owned and/or managed by Megna Real Estate and Insurance Limited. These nine applications include the property that is the subject of this report, 41-43 Albert Street. The nine applications are located at the following municipal addresses:

| RHPA File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley) |
| CD-95-005 | 22 | 352-356 Hunter St. E./122 Emerald St. S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount) |
| TOTAL | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "D" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications. Also included in Appendix "D" is a summary of the vacancy rate and rental supply implications by the various rental zones of the City. It should be noted that Hamilton City Council, on May 30, 1995, approved the first three applications submitted by Mr. Megna (CD-95-001, CD-95-002, and CD-95-003).

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants on January 10, 1995 inviting them to attend a meeting on January 17, 1995 explaining the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent on February 28, 1995. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. Aluminum sliding doors repaired or replaced for all units.
e. All eaves troughs will be repaired or replaced.
f. Roof replaced with four ply, tar and gravel.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms replaced.
d. All bathroom tiles and floors that need replacement.
e. All kitchen floors and counters that need replacement.
f. Replace, repair or refurbish all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells including all the rest of the common areas.

The existing tenants have returned questionnaires indicating their preference with regard to purchasing or not purchasing a unit. The following is a summary of the questionnaires:

| | |
|---|---|
| Tenants In Favour of Purchasing a Unit immediately | - 0 |
| Tenants in Favour of a 1 to 5 year lease | - 0 |
| Vacant Unit | - 1 |
| Tenants in Favour of Signing an Option to Purchase | - 10 |
| No Response | - 1 |
| | |
| Total Units | - 12 |

***Rent Details***

The monthly rental charges for the units, effective February, 1995, are as follows:

- Four units have a monthly rental charge of $420.06;
- Four units have a monthly rental charge of $457-$459 per month; and,
- Four units have a monthly rental charge of $515-$527 per month.

***APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:***

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 41-43 Albert Street are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 12 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 12 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into seven

geographic zones; the subject property is located within "Zone 2 - Central East Zone". The Central East Zone is bounded on the south by the Escarpment, on the west by Sherman Avenue, on the north by Hamilton Harbour and Lake Ontario and on the east by the Red Hill Valley.

***Rental Housing Supply***

As noted in Appendix "D", the removal of the 12 units, and the additional 231 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.75 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Central East Zone, the removal of the 12 units, and the additional 24 units in the other two RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing. It would represent a reduction of 1.90 percent in the 3,312 apartment units (in structures containing six or more units) in the Central East Zone.

From a broad perspective, the reduction of the overall supply of rental housing is negligible. However, this should be regarded with caution as the monthly rental charges at the nine separate buildings vary considerably and are each targeted at different segments of the rental housing marketplace.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The 1995 monthly rents ranges from $420 to $549 per month (February, 1995 to January, 1996, inclusive). This makes the units affordable to households between the 31st and 40th household income percentile, according to the Information Bulletin.

**Average Rent Levels**
**October, 1994**

| | Total Hamilton | Central East Zone | Subject Property |
|---|---|---|---|
| One-Bedroom | $479 | $456 | $467 |

As shown in the table above, the one-bedroom monthly rents in the subject property are lower than the average rent levels for Hamilton as a whole and higher than the Central East Zone. (To be consistent with CHMC data the subject property rent level is shown as at October, 1994).

***Vacancy Rates***

As recorded by CMHC at April, 1994, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Central East Zone was recorded at 2.65 percent in April, 1994. This level is consistent with previous vacancy rate measures for this zone, which have been at or over 2.0 percent since October, 1991. For one-bedroom apartments, the vacancy rate in the City at April, 1994 was 2.27 percent and 2.6 percent for the Central East Zone. Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and the Central East Zone are within the healthy, competitive range.

Within the Central East Zone, approval of this condominium conversion proposal and the other two applications submitted by Mr. Megna within the Central East Zone would lower the vacancy rate marginally to 2.549 percent from 2.65 percent. It should be noted that, on May 30, 1995, City Council approved one of the applications in this zone (CD-95-003 - 2373 King Street East). The other application in this zone is on the same Committee agenda as the subject application.

***Potential Alternative Accommodation***

As of October, 1994 (latest available data) there were approximately 59 vacant one-bedroom units in the Central East Zone with monthly rent charges in the range of $360 to $479. This indicates there is an adequate supply of alternative rental accommodation at a lower price range and within the same geographic area of the subject property.

***Summary***

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of rental supply, monthly rents, vacancy rates and potential alternative accommodation, the removal of the 12 rental units would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Central East Zone. Moreover, it does not appear it will be difficult for tenants to secure alternative rental accommodation in the same general area of the subject property based on the number of vacant apartment units in a lower rent range.

***AFFORDABILITY OF CONVERTED UNITS:***

The applicant's agent has indicated the sale price of the units "will be in the $50,000 range." This sale price is within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The units would be affordable to those at approximately the 20th income percentile. For existing tenants, assuming a 10 percent

downpayment and prevailing mortgage interest rates (as of June 5, 1995), one-bedroom units would be affordable to households earning approximately $19,700.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that it will likely not be difficult for tenants to find replacement accommodation in the same or lower price range. Noted within the information brochure and confirmed with the applicant's agent, the owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 4 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

*COMMENTS:*

1. The application can be supported for the following reasons:

   a) As noted previously, the removal of the 12 rental units at 41-43 Albert Street would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Central East Zone; and,

   b) The conversion to condominium of these units will provide an opportunity for affordable home ownership for a segment of the population whose income generally does not support home ownership.

2. In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure the existing tenants have available to them a number of acceptable housing options. This might include, for example, providing them with a period of time in which to find suitable replacement accommodation.

   Such conditions of approval have been required by City Council in the case of previous RHPA applications, such as 174 Herkimer Street, 93 Emerald Street South, and 2373 King Street East. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase a unit at a maximum specified price.

   The proposed conditions of approval, in abbreviated form below, are intended to recognize the various options and commitments the owner has made to the tenants at 41-43 Albert Street in regard to the proposed conversion to condominium. The applicant's agent has indicated he is familiar with scope and nature of the various conditions of approval Council has utilized in previous RHPA applications. The complete list of

conditions are contained in the Recommendations and Appendices of this report:

- The owner will offer tenants an option to purchase a unit within three years from the registration on title of the RHPA Approval. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;

- The purchase price, to be negotiated and agreed upon by the owner and tenant, is not to exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

    i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,
    ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner;

- The owner will offer to tenants a lease for a period of not less than 3 years, at current rents;

- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;

- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;

- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants;

- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees; and,

- The applicant shall pay all outstanding taxes owed to the City of Hamilton.

Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

***CONCLUSION:***

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 12 apartment units will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Central East Zone. Rental vacancy rates are at competitive levels and have been for the past several years and there are a large number of similarly priced and lower priced vacant units available. In addition, the proposed conversion

will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As in previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who may be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional three-year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

MLT/

## APPENDIX "A"

## TENANTS AND MONTHLY RENTAL CHARGES AS OF JUNE 5, 1995

41-43 Albert Street

| | |
|---|---|
| Apt. 01 | Francisnene Merrifield<br>41-43 Albert Street<br>Apt. 01<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$457.51 |
| Apt. 02 | Wayne and Dorothy Cowan<br>41-43 Albert Street<br>Apt. 02<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$420.06 |
| Apt. 03 | Carl Condon<br>41-43 Albert Street<br>Apt. 03<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$420.06 |
| Apt. 04 | Eric Roberts<br>41-43 Albert Street<br>Apt. 04<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$459.53 |
| Apt. 05 | Richard Withers<br>41-43 Albert Street<br>Apt. 05<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$526.36 |
| Apt. 06 | VACANT<br>41-43 Albert Street<br>Apt. 06<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$526.36 |
| Apt. 07 | David Latendresse<br>41-43 Albert Street<br>Apt. 07<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$420.06 |
| Apt. 08 | Daniel and Mary Black<br>41-43 Albert Street<br>Apt. 08<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$459.53 |
| Apt. 09 | Ken Dawson and Corey Johnston<br>41-43 Albert Street<br>Apt. 09<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$515.21 |
| Apt. 10 | Marie Jackson<br>41-43 Albert Street<br>Apt. 10<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$526.36 |
| Apt. 11 | Elaine Johnson<br>41-43 Albert Street<br>Apt. 11<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$549.53 |
| Apt. 12 | Dosko Igneski and Leean Swayze<br>41-43 Albert Street<br>Apt. 12<br>Hamilton, Ontario<br>L8M 2Y1<br><br>One-Bedroom/$420.06 |

## APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $4,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

## APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

## APPENDIX "D"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, October 1994: | 31,154 |
   | No. of Vacant Units: | 733 |
   | Vacancy Rate, October 1994: | 2.353% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,911 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.320% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

   Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

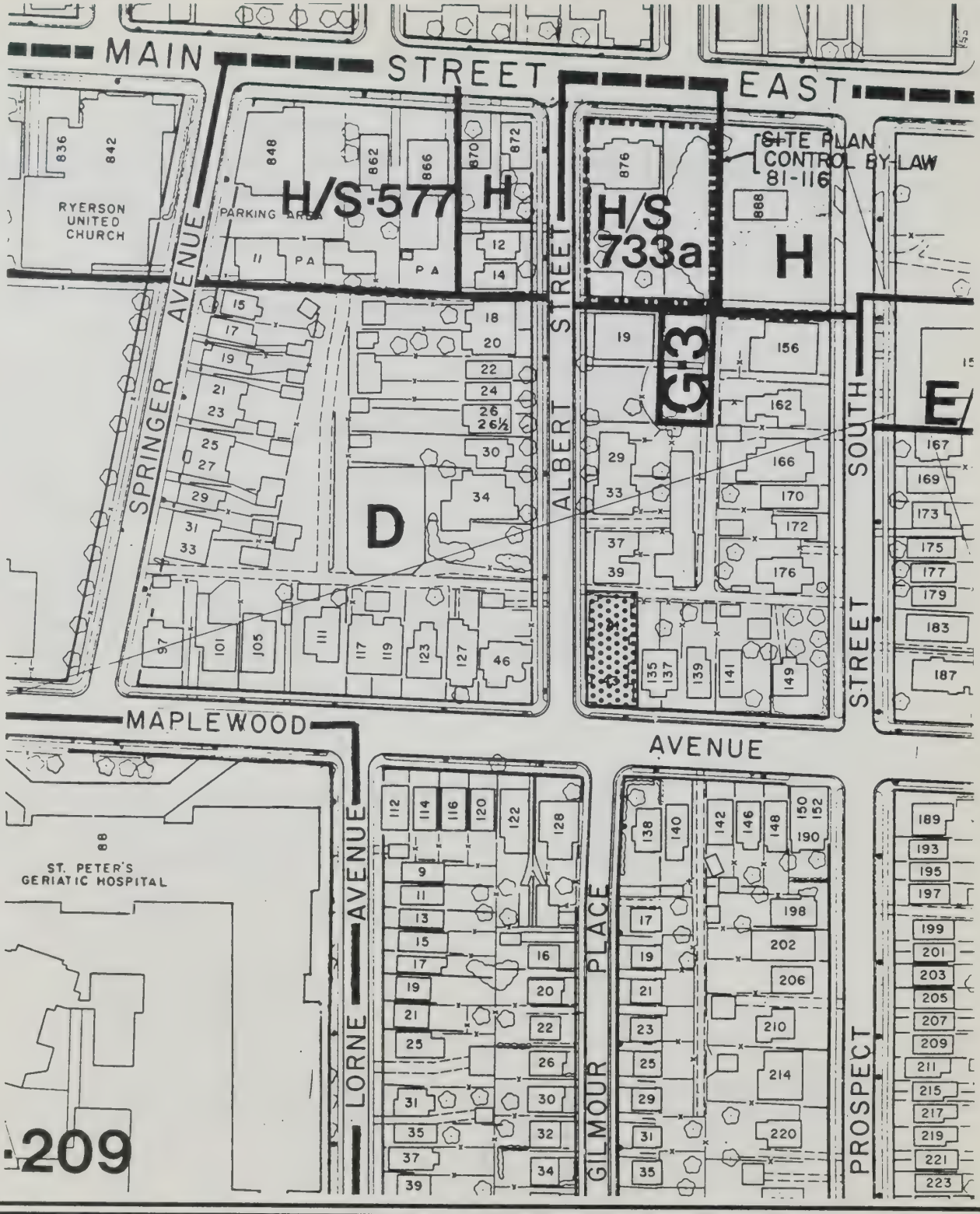
a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.




City of Hamilton

# Location Map

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Lands to be converted to condominium

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-004 |
| | Date | Drawn By |
| | March 1, 1995. | M.M. |

2 (b)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 13
(CD-95-005)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, MCIP, RPP
Director of Local Planning

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

*SUBJECT:* Rental Housing Protection Act Application CD-95-005 -
352 - 356 Hunter St. E., 122 Emerald St. S., Stinson Neighbourhood

*RECOMMENDATIONS:*

1. That Rental Housing Protection Act Application CD-95-005, Roy Megna (In Trust for Guiseppe Megna), owner, to convert the property at 352 - 356 Hunter Street East and 122 Emerald Street South from 22 rental apartment units to 22 condominium units, be **DENIED** for the following reasons:

   (a) The proposal would have an adverse impact on the supply of affordable rental housing in the City of Hamilton, and particularly in the Downtown Core Zone. The rental vacancy rate for the Downtown Core Zone is below the desirable minimum for a healthy rental market, namely two percent;

   (b) There are insufficient vacant rental units of the same type, in the same area, namely two-bedroom units in the Downtown Core Zone, since the vacancy rate for this sector of the rental market is also below the desirable two percent level; and,

   (c) Approval of the application would reduce the vacancy rates for units in the same area, and of a similar type, to even lower levels.

V.J. Abraham

J.G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

***Owner***

Roy Megna (In Trust for Guiseppe Megna).

***Existing Buildings***

The property consists of a four storey apartment building with a total floor area of approximately 18,240 square feet. The 22 rental apartment units include 10 one-bedroom units and 12 two-bedroom units. As of June 8, 1995, seven units were vacant, most of which were two-bedroom. The Building Department notes there are no outstanding work orders for the property.

***Rent Details***

The existing monthly rental charges for the units, effective May 30, 1995, are as follows:

- For 10 one-bedroom units, range from $522.16 to $571.90, averaging $547.69; and,
- For 12 two-bedroom units, range from $619.96 to $679.70, averaging $627.29.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 352 - 356 Hunter Street East and 122 Emerald Street South in Hamilton, shown on the attached map, was submitted to the City on February 28, 1995. The proposal is to convert 22 rental apartment units to 22 condominium units.

The applicant has indicated the 10 one-bedroom units and 12 two-bedroom will be sold for a minimum of $4,000 or 5% less than the appraised value (whichever is greater). A number of other financial incentives are also being offered, including a 25% refund of total rental payment made during the last 12 months prior to the purchase; and assistance with obtaining mortgages. As a result, tenants will be able to purchase their unit for a total of $10,000 to $11,000 less than the appraised value, depending on the option selected.

Tenants who may wish to purchase their unit later would be able to sign an option to purchase their unit within 3 years of the date of registration of the condominium. Any tenants who do not wish to purchase their unit at all would have the option of signing a lease for 1 to 5 years, with the option to cancel if they wish; or could have the owner help them find new accommodations; or could continue to rent on a month-to-month basis.

The applicant's agent indicated on June 12, 1995 that the sale price of the units would be

$35,000 to $38,000 for one-bedroom units, and $42,000 to $45,000 for two-bedroom units.

***Proposed Conversion Details***

The applicant provided information packages to all tenants, dated January 11, 1995, outlining the proposal to convert to condominium, the process to be followed, proposed renovations, explanation of the purchase price and financing offers, and sample letters for tenants to indicate their intentions. These same details of the proposal were provided to Planning and Development Department staff on February 28, 1995, along with the application. Copies of this information package are available upon request from staff.

The proposed renovations, to be carried out upon approval of the RHPA application and registration of the condominium, include the following:

Exterior Improvements:

- The parking lot will be paved, and parking spaces assigned to units.
- Replacement or upgrading of windows, landscaping, walkways, doors, and fire escapes.

Interior Upgrades:

- Replacement of all fridges, stoves, water taps, kitchen cupboards, counters and sinks, interior doors;
- Replacement of bathroom tiles and floors, kitchen floors as needed; and,
- Replacement or refurbishing of all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells, including all the rest of the common areas.

Tenants were invited by the applicant to attend a meeting on January 19, 1995 concerning the proposal, which was attended by tenants of 12 units. The applicant contacted other tenants by phone or in person to determine their intentions, and provided them with information package.

In addition to this meeting, Planning Department staff provided a postcard reply card to all tenants, for them to indicate whether or not they are in favour of the application, and whether they are interested in purchasing their unit. This was mailed to all tenants on May 30, 1995, along with the notice of the June 21 public meeting. As well, Bruno Megna, agent, provided a questionnaire to all available tenants on May 31, for them to indicate their intentions.

The responses of the tenants, as of June 8, 1995, are as follows:

| | |
|---|---|
| Interested in Purchasing Now | - 0 |
| Interested in Signing Option to Buy in 3 Years | - 10 |
| Interested in Leasing for 1 - 3 Years | - 1 |
| Want to Stay as Tenant | - 1 |
| Vacant | - 7 |
| Unable to Contact on Several Occasions | - 3 |
| Total Units | - 22 |

It should be noted that only one unit was vacant at the time the application was submitted on February 22, 1995. Since that time, six more units have become vacant, for a total of seven, and the tenants in many of the other units have changed. Information from the agent indicates he has discussed the application with almost all current tenants, and determined their intentions.

***Pending Applications - Megna Real Estate***

The agent for the owner, Bruno Megna, has submitted a total of nine applications for condominium conversion for properties owned and/or managed by Megna Real Estate, including the subject application for 352 -356 Hunter Street East and 122 Emerald Street South. These are located at the following municipal addresses:

| File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand Neighbourhood) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson Neighbourhood) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East Neigh.) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley Neighbourhood) |
| CD-95-005 | 22 | 352-356 Hunter St.E. & 122 Emerald St.S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park Neighbourhood) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley Neigh.) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown Neigh.) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount Neighbourhood) |
| **Total Units:** | **243** | |

The first three of these nine applications were brought forward to the Planning and Development Committee in May of 1995, and were approved. The remaining six will be brought forward in June and July, 1995. An analysis has been done of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications, which is contained in Appendix "A" of this report. This analysis also includes a summary of impacts by each of the rental zones in which the applications are located.

The Planning and Development Department has also received one additional application for conversion to condominium, for property at 350 Concession Street (Inch Park Neighbourhood), containing 27 rental units.

***APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:***

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 352 -356 Hunter Street East and 122 Emerald Street South are subject to the Act since the applicant intends to convert the apartment units to condominium.

The Rental Housing Protection Act states the Council of a Municipality may approve an application under the Act if Council is satisfied at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area;
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criterion i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criterion ii) is not applicable as the applicant is not providing any new rental units to replace those which would be lost from the supply. Therefore, criterion iii) is the only relevant one.

Council may approve this application based on Criterion iii), if, as noted by the Province, "it is of the opinion that the loss of these 22 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.: The Province also notes "Should Council decide to approve the application, it may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit;
- pricing of units for sale to tenants at the levels set out in the application;
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under Section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under Section 105 of the Landlord and Tenant Act; and,
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale.

Council may also impose other conditions it considers reasonable."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

A number of housing measures may be analyzed to determine the impact of the proposal on the affordable housing supply, including rental housing universe data, average rents, vacancy rates, etc., as outlined in the following sections.

Data from the semi-annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report is used to determine potential impacts on the rental housing marketplace of the proposed condominium conversion. The April 1995 CMHC rental market data became available on May 25, 1995, and has been used where possible. CMHC divides the City into seven geographic zones. The subject property is located within "Zone 1 - Downtown Core Zone", which is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

***Rental Housing Supply***

The proposed conversion of the 22 units would represent a reduction of 0.07 percent in the 30,897 apartment units (in structures containing six or more units) in Hamilton; and a reduction of 0.21 percent in the 10,665 apartment units (in structures containing six or more units) in the Downtown Core Zone. This would represent a relatively negligible impact on the overall supply of rental housing in the City and the immediate area.

As noted in Appendix "A", the removal from the rental supply of the 22 units in the subject application, as well as the 221 units in the other eight RHPA applications submitted by Megna Real Estate, totalling 243 units, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.079 percent in the 30,897 apartment units (in structures containing six or more units) in Hamilton.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton area, as defined by the most recent Income and Affordable Housing Price Information Bulletin (1995), part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton area.

As noted previously, the current monthly rents for the 10 one-bedroom units range from $522.16 to $571.90, averaging $547.69; and for the 12 two-bedroom units, rents range from $619.96 to $679.70, averaging $627.29. The one-bedroom units are affordable to households between the 38th and 42nd household income percentile, namely households with annual incomes of $20,800 to $23,000. The two-bedroom units are affordable to households between the 45th and 50th percentile of household income, namely those with annual incomes of $24,500 to $27,300. All units fall within the affordable range, (ie. below the 60th percentile), but they are not especially affordable to low-income households.

As shown in the table below, the average monthly rents for the one-bedroom and two-bedroom units in the subject property are somewhat higher than average rent levels for the Downtown Core, and even higher than average rents for the City of Hamilton, especially the one-bedroom units.

**Average Rent Levels - October, 1994**

| | Total Hamilton | Downtown Core Zone | Subject Property (Average) |
|---|---|---|---|
| One-Bedroom | $479 | $489 | $547 |
| Two-Bedroom | $574 | $603 | $627 |

***Vacancy Rates***

The rental apartment vacancy rate for the City of Hamilton was 2.38 percent in April, 1995 (in private apartment structures containing six or more units), as reported by CMHC. A vacancy rate between 2.0 and 3.0 percent for the municipality is considered by CMHC to indicate a healthy, competitive rental marketplace; and thus the overall City vacancy rate is in this healthy range.

The apartment vacancy rate for the Downtown Core Zone was 1.79 percent as of April, 1995. For one-bedroom apartments, the vacancy rate in the City was 2.27 percent, and for the Downtown Core Zone it was 2.50 percent, as of April, 1995. For two-bedroom units, vacancy rates were at 2.29 percent for the City, and 0.93 percent for the Downtown Core Zone.

Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and for these types of units, in this area, are mostly within the competitive or healthy range. **However, the overall vacancy rate for the Downtown Core Zone is below the desirable range, at 1.79 percent; and the vacancy rate for two-bedroom apartments in the Downtown Core is especially low, at 0.93 percent.**

There were 7 vacant units in the subject property, as of June 8, 1995, including 5 two-bedroom units, and 2 one-bedroom units. Approval of the proposed conversion would decrease the vacancy rate very slightly from 1.79 percent to 1.73 percent in the Downtown Core Zone. The proposal would cause the vacancy rate in the City as a whole to also decrease very slightly, from 2.38 percent to 2.36 percent (based on April, 1995 CMHC data for private apartments in structures with 6 units and over).

The vacancy rates for one-bedroom units would decrease very slightly from 2.50 to 2.47 percent for the Downtown Core, and from 2.27 to 2.26 percent for the City as a whole. For two-bedroom units, the vacancy rates would decrease from 0.93 to 0.79 percent for the Downtown Core, and from 2.29 to 2.26 percent for the City as a whole. **Therefore, the already low vacancy rate for two-bedroom units in the Downtown Core would drop even further, from 0.93 to 0.79 percent.**

***Potential Alternative Accommodation***

CMHC data was reviewed to determine the extent of similar rental units which would be available to affected tenants. As noted earlier, the 10 one-bedroom units in the subject property have rents ranging from $522.16 to $571.90, averaging $547.69. As of Oct., 1994 (latest data)

there were about 119 vacant one-bedroom units in the Downtown Core Zone with monthly rents ranging from $400 to $579, and averaging $486. Therefore, the subject units are above the average in terms of monthly rent; and there are some vacant units available, most at lower rents.

For the 12 two-bedroom units, rents in the subject property range from $619.96 to $679.70, averaging $627.29. In terms of available units, as of October, 1994 there were only 59 vacant two-bedroom units in the Downtown Core Zone with monthly rents ranging from $500 to $739, and averaging $596. Therefore, the subject units are at the higher end of the market in terms of cost, but there are a relatively small number of vacant units available at the same or lower rents.

Therefore, there is a limited supply of alternative rental accommodation at a lower price, or the same price, within the same area, namely the Downtown Core, especially two-bedroom units

***Summary of Housing Market Analysis***

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of various housing market measures, the removal of the 22 rental units, in terms of:

- Rental housing supply - would represent a relatively negligible impact on the overall supply of rental housing in the City and the immediate area;
- Monthly rents - would represent a loss of affordable units, but not the most affordable units, since the rents are above average;
- Vacancy rates - would not be a concern for the City as a whole; but would mean a loss of units of types with unacceptably low vacancy rates, namely units in the Downtown Core, and especially two-bedroom units in the core;
- Alternative accommodation - would be a concern, since there is a limited number of available rental units at the same or lower price, especially 2-bedroom units in the Core.

Since the vacancy rates for the area and unit type are critical factors, the housing market analysis means that the proposal would have an adverse impact on this sector of the housing market; and thus would have a significant impact on the supply of affordable housing.

The Planning and Development Department has recently adopted a list of criteria to be used in evaluating Rental Housing Protection Act applications. There are four mandatory tests which must be met in order for applications to be approved. These are:

1. Has the vacancy rate for the City been below two percent for two consecutive CMHC surveys ?

2. Is the vacancy rate for the zone below two percent ?

3. Is the vacancy rate for the unit type (apartments by bedroom size) below two percent ?

4. What is the impact of removing the units - does it take the vacancy rate in criteria 1. to

3. above below two percent ?

If any of criteria 1. to 3. are not satisfied (ie. answers are "yes" to the above questions), then the application should be denied. Other factors, such as affordability of rental and purchase units, are not as important in determining the impact on the affordable rental supply.

For the subject application, criterion 2. is not satisfied, since the vacancy rate for the Downtown Core Zone is presently below two percent, at 1.79 percent as of April, 1995. Also, criterion 3. is only met in part, since the vacancy rate for two-bedroom apartments in the Downtown Core Zone is at 0.93 percent. Therefore, based on these evaluation criteria, the application should not be approved, due to the low vacancy rates for units in the same area, of the same size.

***AFFORDABILITY OF CONVERTED UNITS:***

The applicant's agent indicated on June 12, 1995 that the sale price of the units would be in the $35,000 to $38,000 range for one-bedroom units, and $42,000 to $45,000 for two-bedroom units. This would be within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995), part of the Comprehensive Set of Policy Statements, which defines affordable purchase units as those costing up to $133,000.

For existing tenants, assuming an asking price of $45,000, a 10 percent downpayment and prevailing mortgage interest rates (as of June 9, 1995), these units would be affordable to households earning between $17,600 and $18,000 annually, depending on the term. On a monthly basis, these carrying charges would range from $441 to $451, which is significantly lower than the existing monthly rents, which average about $547 for one-bedroom units, and $627 for two-bedroom units. However, affordability of these units is less important than impact on the rental supply, since once units are removed from rental, they are not likely to be replaced.

***IMPACT ON EXISTING TENANTS:***

In terms of anticipated impacts on existing tenants, as noted it may be difficult for them to find replacement accommodation in the same or lower price range, in the same area, given the low vacancy rate in the Downtown Core Zone, especially for two-bedroom units.

As noted earlier, the applicant is offering several options and forms of assistance to tenants who wish to buy their unit now, or possibly later, or not at all. Tenants who may wish to buy later could sign an option to purchase their unit within 3 years of the condominium being registered. Tenants who do not wish to buy could sign a lease for 1 to 5 years; could have the owner help them find new accommodations; or could continue to rent on a month-to-month basis.

Based on information provided by the applicant on June 8, 1995, about half of the tenants are in favour of the conversion.

*COMMENTS:*

As discussed, removal of the 22 rental units at 352 - 356 Hunter Street East and 122 Emerald Street South would cause an adverse impact on the supply of affordable rental housing, due to the low vacancy rate for the Downtown Core Zone, and especially for two-bedroom units in the core, as follows:

1. The apartment vacancy rate for the Downtown Core Zone is at 1.79 percent, as of April, 1995 CMHC data, which is below the 2 to 3 percent healthy range. This rate just dipped below 2% in the April CMHC data, released May 25, 1995, which is closer to the recent trends in vacancy rates;

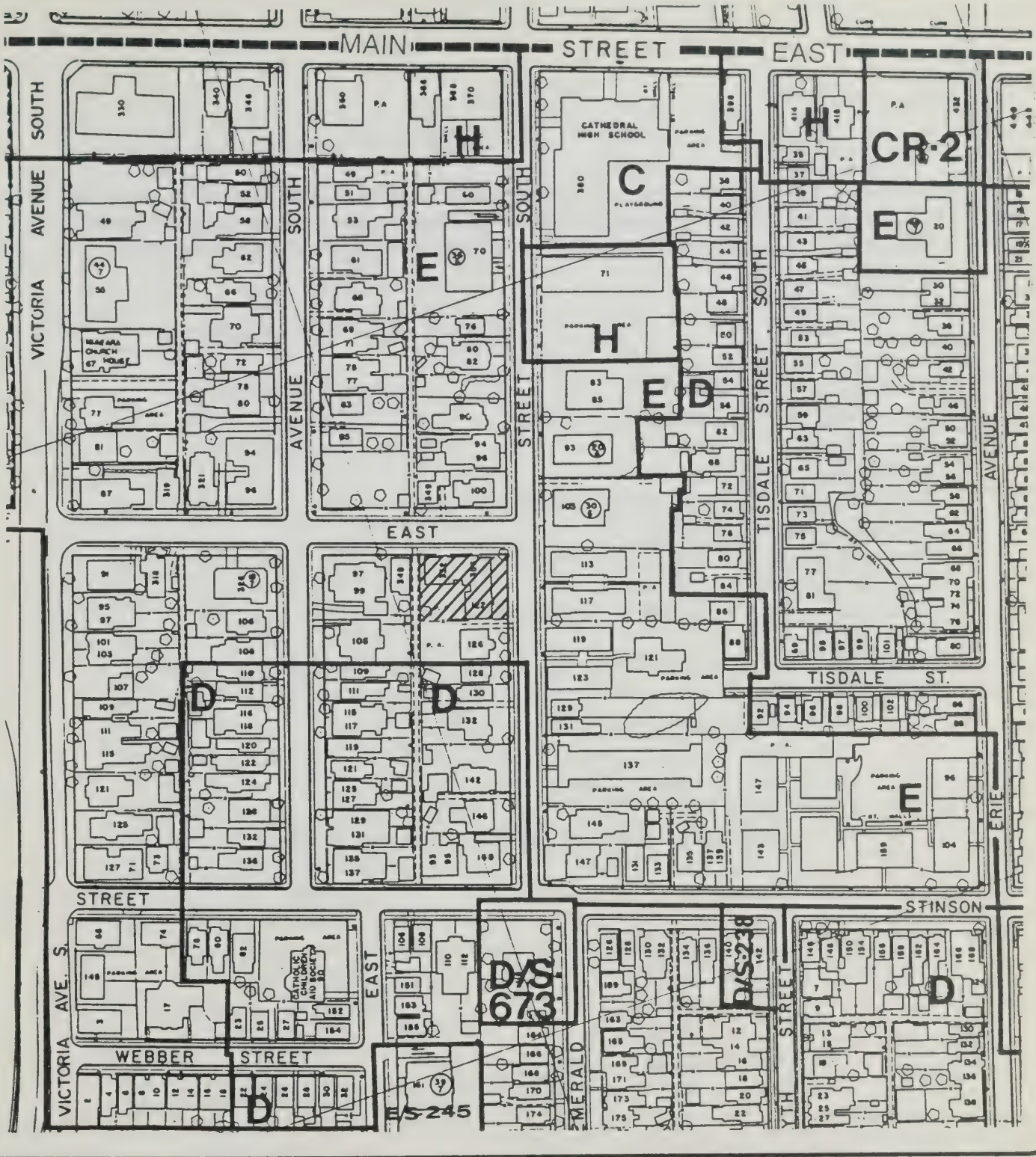
2. The vacancy rate for two-bedroom apartments in the Downtown Core Zone is at 0.93 percent, as of April, 1995 CMHC data; and,

3. Approval of the application would lower the vacancy rate for two-bedroom apartments in the Downtown Core Zone from 0.93 percent to 0.79 percent, which is a very low rate.

*CONCLUSION:*

Therefore, the application cannot be supported, based on the adverse impact on the supply of affordable rental housing, as indicated by the housing market analysis.

vg
CD95005.REP




City of Hamilton

# Key Map

## Rental Housing Protection Act

352-356 Hunter Street East
122 Emerald Street South

Planning and Development Department

Legend

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-005 |
| | Date | Drawn By |
| | JUNE 1995 | W. B. |

## APPENDIX "A"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 7 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **19** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, April, 1995: | 30,897 |
   | No. of Vacant Units: | 736 |
   | Vacancy Rate, April, 1995: | 2.382% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,654 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.339% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.043%.

2. Impact on Downtown Core - Zone 1

Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, April 1995: | 10,665 |
| No. of Vacant Units: | 191 |
| Vacancy Rate, April 1995: | 1.790% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 178 |
| Vacancy Rate, after units removed: | 1.688% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.102%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.

2 (c)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 June 13
(CD-95-007)

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:***

Rental Housing Protection Act Application CD-95-007 -
97 and 101 Connaught Avenue South, Stipely Neighbourhood

***RECOMMENDATIONS:***

1. That Application CD-95-007, under the Rental Housing Protection Act, Meroc Developments (In Trust), owner, for conversion of 12 rental apartment units to condominium units for the property located at 97 and 101 Connaught Avenue South, **DENIED** for the following reasons:

   i) approval of the application would have an adverse impact on the supply of similarly priced units with the Central East Zone and the City of Hamilton. The availability of similarly priced units within the rental stock is quite limited; and,

   ii) there are limited vacant similarly priced units within the Central East Zone. Opportunities to relocate the existing tenants to similarly priced units in the Central East Zone and the City are severely limited.

V. Abraham

J.G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

***Owner***

Meroc Developments (In Trust), owner.

***Existing Building***

The subject property is comprised of one apartment building, three storeys in height, with a total floor area of approximately 9,348 square feet. The year of construction is not known. A total of 12 rental one-bedroom apartment units are contained within the apartment building. As of June 5, 1995, none of the 12 units in the building are vacant.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 97 and 101 Connaught Avenue South was submitted to the City on March 22, 1995. The subject property is shown on the attached key map. The proposal is to convert 12 one-bedroom rental apartment units to condominium. The agent for the applicant has indicated the units will be sold for "in the $35-38,000 range." The applicant's agent has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

An application for approval of a Plan of Condominium for the subject property has been submitted to the City of Hamilton as well. This application is being held in abeyance until Council has considered this Rental Housing Protection Act application.

***Pending Applications - Megna Real Estate***

The agent for the owner, Mr. Bruno Megna of Megna Real Estate Limited, has submitted a total of nine applications for conversion to condominium for properties owned and/or managed by Megna Real Estate and Insurance Limited. These nine applications include the property that is the subject of this report, 97 and 101 Connaught Avenue South. The nine applications are located at the following municipal addresses:

| RHPA File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley) |
| CD-95-005 | 22 | 352-356 Hunter St. E./122 Emerald St. S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount) |
| TOTAL | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "A" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications. Also included in Appendix "A" is a summary of the vacancy rate and rental supply implications by the various rental zones of the City. It should be noted that Hamilton City Council, on May 30, 1995, approved the first three applications submitted by Mr. Megna (CD-95-001, CD-95-002, and CD-95-003).

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants on March 18, 1995 inviting them to attend a meeting on March 21, 1995 explaining the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent on March 22, 1995. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. Aluminum sliding doors repaired or replaced for all units.
e. The fire escape will be refurbished.
f. All stone window sills will be repaired or replaced.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms replaced.
d. All bathroom tiles and floors will be replaced.
e. All interior doors that need to be replaced will be replaced.
f. Replace, repair or refurbish all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells including all the rest of the common areas.
g. New carpet will be installed in the hallways, stairs, and corridors.
h. All corridors and fire escapes will be painted and refurbished.

The existing tenants have returned questionnaires indicating their preference with regard to purchasing or not purchasing a unit. The following is a summary of the questionnaires:

| | |
|---|---|
| Tenants In Favour of Purchasing a Unit immediately | - 0 |
| Tenants in Favour of a 1 to 5 year lease | - 0 |
| Vacant Unit | - 2 |
| Tenants in Favour of Signing an Option to Purchase | - 8 |
| No Response | - 2 |
| Total Units | - 12 |

***Rent Details***

The monthly rental charges for the units, effective February, 1995, are as follows:

- Four units have a monthly rental charge between $327 and $332 per month;
- Three units have a monthly rental charge of $358 per month; and,
- Five units have a monthly rental charge of $375-$395 per month.

## *APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:*

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 97 and 101 Connaught Avenue South are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar

quality and rent in the same area; and/or,

iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status.

Criteria ii) is not applicable as the applicant is not providing any new rental units.

Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 12 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 12 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into seven geographic zones; the subject property is located within "Zone 2 - Central East Zone". The Central East Zone is bounded on the south by the Escarpment, on the west by Sherman Avenue, on the north by Hamilton Harbour and Lake Ontario and on the east by the Red Hill Valley.

***Rental Housing Supply***

As noted in Appendix "A", the removal of the 12 units, and the additional 231 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.75 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Central East Zone, the removal of the 12 units, and the additional 24 units in the other two RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing. It would represent a reduction of 1.90 percent in the 3,312 apartment units (in structures containing six or more units) in the Central East Zone.

From a broad perspective, the reduction of the overall supply of rental housing is negligible. However, this should be regarded with caution as the monthly rental charges at the nine separate buildings vary considerably and are each targeted at different segments of the rental housing marketplace.

The proposed conversion of the units at 97 and 101 Connaught Avenue South would reduce the supply of affordable rental housing in the City of Hamilton and in the Central East Zone. Within the Central East Zone, the majority of units are at a higher rent than the units in the subject property; these particular units are among the most affordable one-bedroom units within this zone. Similarly, within the City of Hamilton, the majority of one-bedroom units are rented for a much higher rate; similarly priced units are available in limited supply across the City.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The 1995 monthly rents ranges from $328 to $393 per month (February, 1995 to January, 1996, inclusive). This makes the units affordable to households between the 32nd and 44th household income percentile, according to the Information Bulletin.

**Average Rent Levels**
**October, 1994**

| | Total Hamilton | Central East Zone | Subject Property |
|---|---|---|---|
| One-Bedroom | $479 | $456 | $361 |

As shown in the table above, the one-bedroom monthly rents in the subject property are lower than the average rent levels for Hamilton as a whole and lower than the Central East Zone. (To be consistent with CHMC data the subject property rent level is shown as at October, 1994).

***Vacancy Rates***

As recorded by CMHC at April, 1995, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Central East Zone was recorded at 2.65 percent in April, 1995. This level is consistent with previous vacancy rate measures for this zone, which have been at or over 2.0 percent since October, 1991. For one-bedroom apartments, the vacancy rate in the City at April, 1995 was 2.27 percent and 2.6 percent for the Central East Zone. Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and the Central East Zone are within the healthy, competitive range.

Within the Central East Zone, approval of this condominium conversion proposal and the other two applications submitted by Mr. Megna would lower the vacancy rate marginally to 2.549 percent from 2.65 percent. It should be noted that, on May 30, 1995, City Council approved one of the applications in this zone (CD-95-003 - 2373 King Street East). The other application in this zone is on the same Committee agenda as the subject application.

***Potential Alternative Accommodation***

As of October, 1994 (latest available data) there were approximately 59 vacant one-bedroom units in the Central East Zone with monthly rent charges in the range of $360 to $479. However, there are only nineteen vacant units within the price range of the subject property. One of the nineteen units was within the subject property at the time the vacancy survey was done. The nineteen vacant units in the zone are priced at a higher rent level than the majority of the units in the subject property.

***Summary***

The review of the vacancy rates and the rental price of the units at 97 and 101 Connaught Avenue South has shown that there will be a negative impact on the rental marketplace and the existing tenants should Council approve this application for conversion. In particular, approval of the application would reduce the supply of rental units in this price range within the Central East Zone; it is noted that the supply of units at this price range is quite limited. In addition, the opportunity for relocating the existing tenants to similarly priced units within this area of the City is quite limited.

*AFFORDABILITY OF CONVERTED UNITS:*

The applicant's agent has indicated the sale price of the units "will be in the $35-38,000 range." This sale price is within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) released as part of the Comprehensive Set of Policy Statements. The units would be affordable to those below the 20th income percentile. For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of June 5, 1995), one-bedroom units would be affordable to households earning approximately $16,000. The mortgage principal, interest (at prevailing rates), and taxes would be between $390 to $400 per month.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that it will likely be difficult for tenants to find replacement accommodation in the same or lower price range. Noted within the information brochure and confirmed with the applicant's agent, the owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 4 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

*COMMENTS:*

1. As rental units, the apartments are among the most affordable in the zone and the City. The availability of similarly priced accommodation in the City and zone, vacant or not, is quite limited. Removal of the units would reduce the supply of affordable housing in this price range within the City and the zone. It is recognized, however, that the proposed sale price of $35-38,000 per unit makes the units among the most affordable for home ownership within the City.

   The purpose of the Rental Housing Protection Act is to ensure that the municipality maintains a supply of affordable rental accommodation. The third criteria of the Act states, "it is the opinion of Council that the loss of these 12 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. Approval of the application would have an adverse impact on the supply of affordable rental housing units within the Central East Zone and the City of Hamilton. Specifically within the Central East Zone, the availability of similarly priced units within the rental stock is quite limited; in the case of the lowest priced units there are no other units within that price range in the Central East Zone. The majority of units, both vacant and occupied, are priced approximately $100 per month higher than those in the subject property.

Therefore, the application will have an adverse impact on the supply of affordable rental housing in the City and the Central East Zone and the application does not fulfil Criteria iii). Accordingly, the application cannot be supported.

It should be noted that this recommendation is similar to that presented by the Planning Department respecting CD-95-001 - 174 Herkimer Street. In both instances, the removal of the units as rental accommodation would adversely impact the supply of rental housing in Hamilton as the units are among the most affordable in the municipality.

***CONCLUSION:***

On the basis of the foregoing, the application cannot be supported.

MLT/

## APPENDIX "A"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, October 1994: | 31,154 |
   | No. of Vacant Units: | 733 |
   | Vacancy Rate, October 1994: | 2.353% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,911 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.320% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

   Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

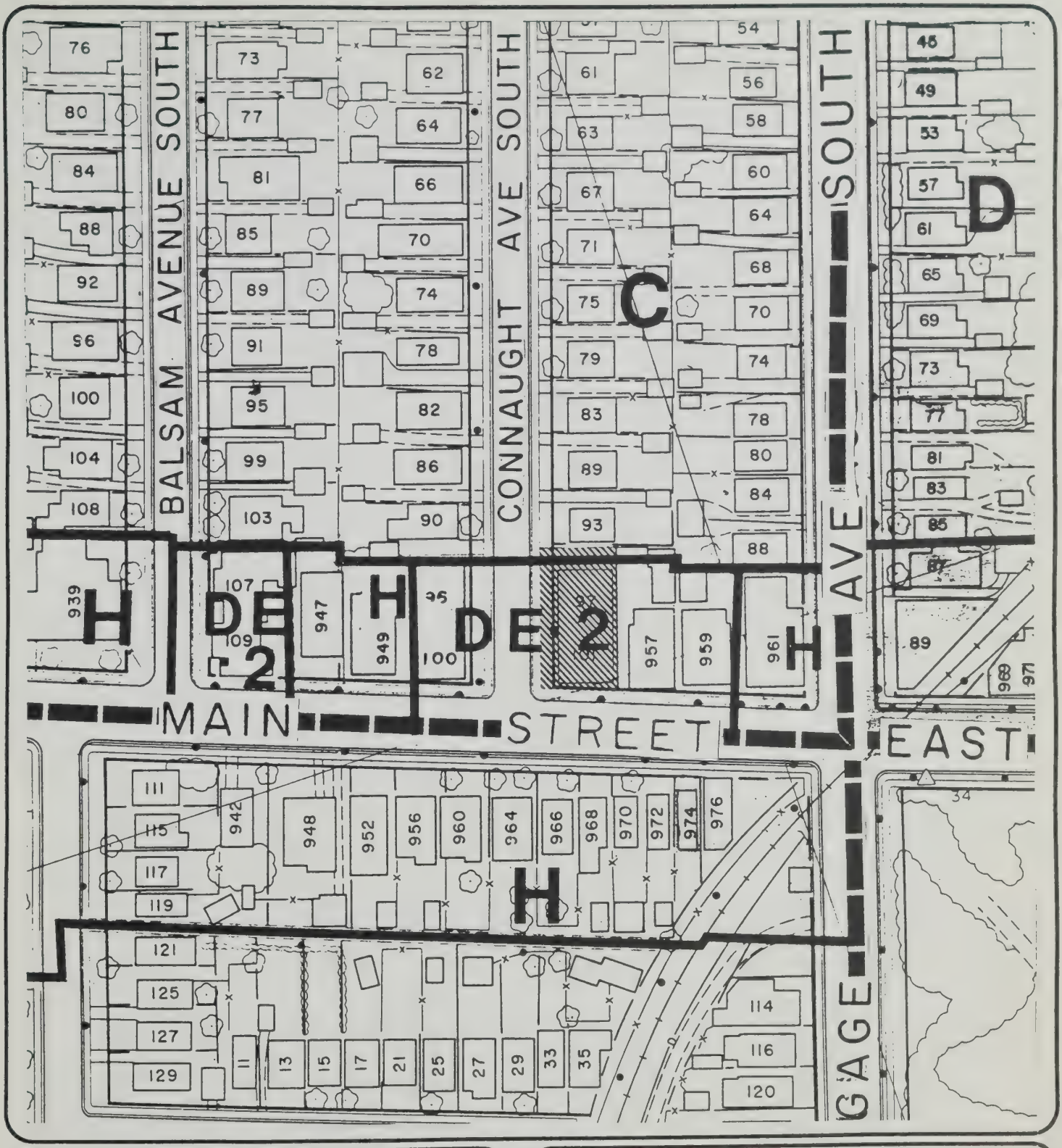
a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.




# City of Hamilton

## Key Map

### Rental Housing Protection Act

97-101 Connaught Ave. S.

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-007 |
| | Date | Drawn By |
| | JUNE 1995 | D.L. |

3(a)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 May 26
DA-92-04 (DA-83-35) (DA-81-52)
Lisgar Neighbourhood

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Site Plan Control Application DA-92-04 to amend DA-83-35 and DA-81-52 to eliminate the access from Landron Avenue for an existing apartment building at 700 Upper Kenilworth Avenue, Hamilton

***RECOMMENDATION:***

That approval be given to Site Plan Control Application DA-92-02 by P. Barnett Construction Ltd. owner of lands at 700 Upper Kenilworth Avenue, to amend the Site Plan Control Applications of DA-83-35 and DA-81-52 to eliminate the access from Landron Avenue subject to the following:

a) removal of the abandoned approach through the Traffic Department;

b) approval by the Committee of Adjustment to permit the 3.0m instead of 2.0m high chain link fence along Landron Avenue;

and further, that the owner be exempt from signing the "undertaking" on the revised plans for the deleted access driveway.

V. J. Abraham

J. S. Pavelka

***BACKGROUND:***

Plans have been submitted for approval of the elimination of an existing driveway approach providing access onto Landron Avenue so as to fence in the parking lot to prevent vandalism. The main entrance from Upper Kenilworth will remain as access into the apartment complex.

***COMMENTS RECEIVED:***

The Traffic Department has advised the following:

1. The request to delete the access onto Landron Avenue is satisfactory subject to the applicant contacting the Traffic Department to have the abandoned approach removed.

2. Any costs associated with the removal of the approach are the responsibility of the applicant.

The Roads Department has indicated that the change to the approved plan will not affect grading, therefore, they have no comments.

The Building Department has no comment concerning this application.

***COMMENTS:***

At its meeting of January 29, 1992, the Committee of Adjustment tabled Application A:92-04 in order that the applicant proceed to amend Site Plan Control Application DA-81-52. The applicant has therefore submitted the subject application DA-92-04 to delete the access to Landron Drive. The plan however only shows the removed driveway access and not the 3.0m high chain link fence along the south lot line which required the variance application. The maximum height of the fence is 2.0m.

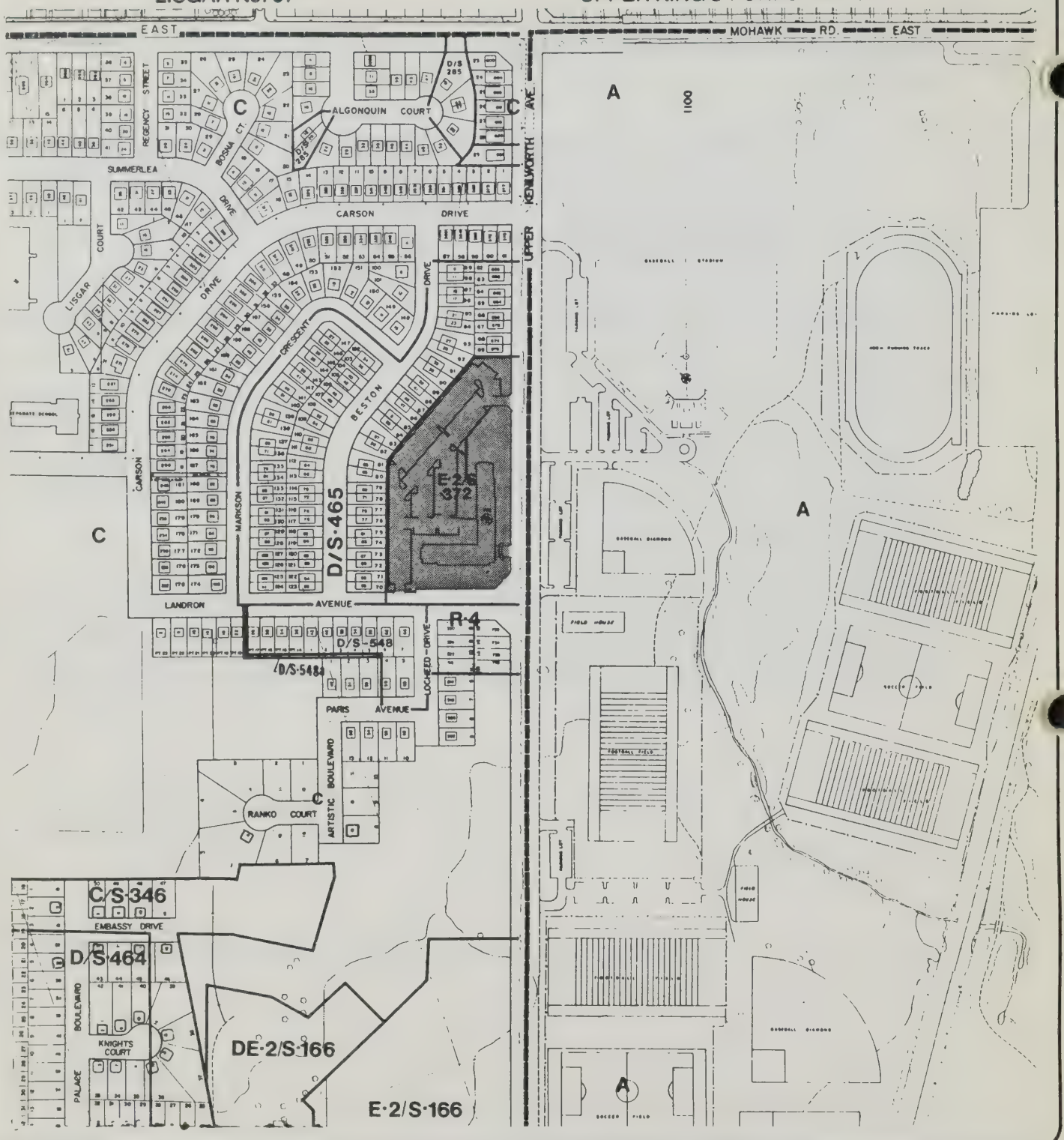
The Minutes of the Committee of Adjustment indicate that the applicant, Mr. C. Barnett noted the following:

- vehicle access on Landron Avenue has never been used for the parking lot access.
- the purpose of the fence is to block vandals from entering the parking area.
- the application is made to allow the fence to remain as it is now.
- the total length of the fence would be about 90 feet.

The proposed change to the access driveway does not alter any other feature of the previously approved plan and would restrict pedestrian access to the neighbourhood street. The fence has been installed and does not appear to be objectionable in its appearance along the street. The main access to the parking area is maintained from Upper Kenilworth. As noted by the Traffic Department, the deletion of the access onto Landron Avenue is satisfactory subject to the applicant contacting the Traffic Department for the removal of the existing driveway approach and providing the associated costs.

Since the proposed change is minor in nature, the applicant should be exempt from signing the "undertaking" on the plan for the removal of the Landron Drive access and the provision of the fence. The height of the fence must be approved through the Committee of Adjustment.

JPS:DA92-04.R




City of Hamilton

Plan Showing
Lands Subject to

# Site Plan Control Application DA-92-04

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

| North | Scale | Reference File No. |
|---|---|---|
| | 1:5000 | DA-92-04 |
| | Date | Drawn By |
| | FEBRUARY, 1992 | L.B. |

Closing all areas to conform with "as built"
22.948 m (75.27')
8 m min
3.0m HIGH CHAIN LINK FENCE.
3.048 m (10.00')
EXISTING CHAIN LINK FENCE.
FRONT LOT LINE
SEE LANDSCAPE PLAN RE: WALKWAY
PLAY AREA
16
4.5 m min
16.5 m max
LANDSCAPE

3(b)

# CITY OF HAMILTON

# - RECOMMENDATION -

***DATE:*** June 13, 1995
CDM-95-02
Chappel East Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Proposed Draft Plan of Condominium by Benemar Construction "Benemar Condominium"

***RECOMMENDATION:***

(1) That approval be given to application CDM-95-02 (Regional File 25CDM-95006), Benemar Construction, owner, to establish a draft plan of condominium "Benemar Condominium", located at the north-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 1809 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", subject to the following conditions:

i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated March 23, 1995, showing a total of 33 residential townhouse units;

ii) That the owner provide connections to the existing watermains on Vineberg Drive and Upper Wentworth Street in order to loop the private watermain within the development to the satisfaction of the City of Hamilton;

iii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on November 24, 1994 under application DA-93-33;

iv) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium; and,

v) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(2) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

**Applicant:**

Benmar Construction Inc. (c/o Mark DeBendectis), owner.

**Surveyor:**

S.J. Balaban O.L.S., J.D. Barnes Ltd.

**Location:**

The lands, comprising 0.770 ha, known municipally as 1809 Upper Wentworth Street, are located at the north-east intersection of Upper Wentworth Street and Vineberg Drive in the Chappel East Neighbourhood (see APPENDIX "A").

**Proposal:**

The owner is proposing to construct a 33 unit condominium townhouse development (see APPENDIX "B").

*EXISTING DEVELOPMENT CONTROLS:*

**Hamilton-Wentworth Official Plan:**

The lands are identified as "Regional Centre" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

**Hamilton Official Plan:**

The subject lands are designated "Residential". The proposal complies with the intent of the Official Plan.

**Neighbourhood Plan:**

The subject lands are designated "Attached Housing" in the approved Chappel East Neighbourhood Plan. The proposal complies with the neighbourhood plan.

**Zoning:**

The subject lands are zoned "RT-20" (Townhouse - Maisonette) District, modified. The proposal complies with the zoning by-law.

**Site Plan:**

The proposed condominium development was the subject of Site Plan Control Application DA-93-33 that was approved on November 24, 1994. The Site Plan Agreement has not been finalized.

It is noted that some units are larger than shown in the approved plans. The approved site plan establishes minimum yard requirements. The proposed plan of condominium complies with or exceeds the minimum yard requirements shown on the approved site plan. As such, the structure conforms in principle with the approved plans of DA-93-33.

*COMMENTS FROM CIRCULATION:*

The following agencies had no comments or objection:

- Hamilton Region Conservation Authority; and,
- Ontario Hydro.

The Building Department advised that:

"1. The conditions of the Site Plan application DA-93-33 have not been finalized.

2. The lands are presently vacant and to date no building permit has been applied for."

The Roads Department advised that:

"FOR INFORMATION

1. The proposed development can be serviced from the existing watermains on Vineberg Drive and Upper Wentworth Street.

2. Storm and sanitary sewers are available on Upper Wentworth Street for servicing of the site. The present zoning appears correct and the proposed density is satisfactory.

3. There will be no Regional share of services within this development.

4. The transportation section of our division have advised that since this development is not adjacent to an existing Regional road they have no comment.

5. It is expected that at some point in the future Upper Wentworth will become a Regional Road when connected to Twenty Road East in Glanbrook. Under Registered Plan 62M-721, The Gardens of Rymal Phase 2, the developer dedicated sufficient lands for Upper Wentworth Street to establish its ultimate width. Therefore, there is no requirement for any road widening along Upper Wentworth Street adjacent to this development.

6. Our office has not received any information from Canada Post in connection with this development. Our department's understanding is that, in similar development of the size and nature a Community Mail Box site is required within the boundaries of the new development.

7. Our office has not received a reply from the H.S.R., in connection with this development.

RECOMMENDATIONS:

1. That the owner be required to provide connections to the existing watermains on Vineberg Drive and Upper Wentworth Street in order to loop the private watermain within the development for reliability.

2. The owner satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium."

The Traffic Department advised that their comments on Site Plan DA-93-33 apply to the proposed Plan of Condominium. In response to Site Plan DA-93-33 the Traffic Department advised:

> "In response to your letter of 1993 September 28, please be advised that we have reviewed this application and find it satisfactory."

***COMMENTS:***

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the approved Chappel East Neighbourhood Plan.

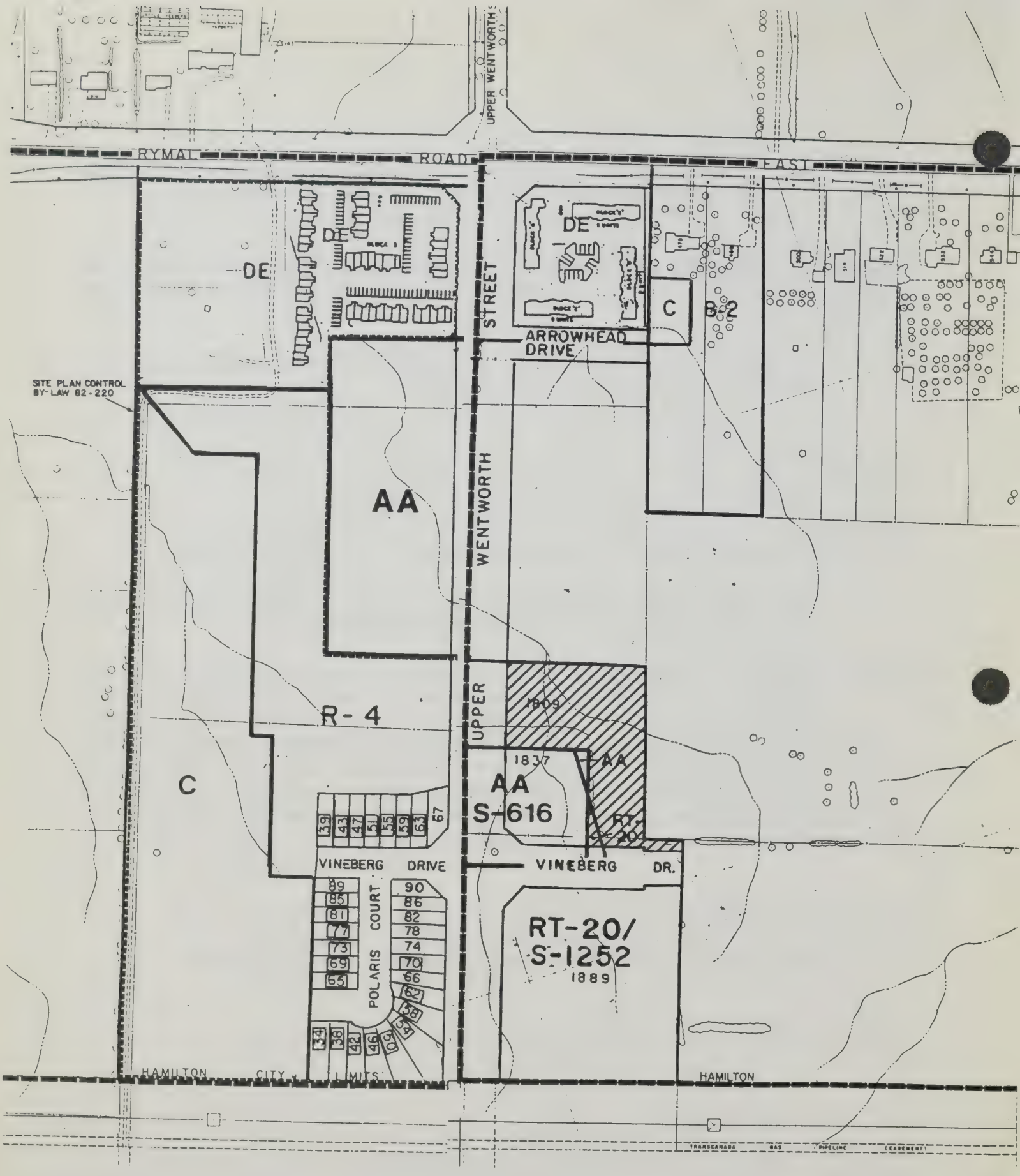
3. The proposal complies with the regulations of the "RT-20" (Townhouse - Maisonette) District, modified, in the City of Hamilton Zoning By-law No. 6593.

4. The proposal complies with the approved site plan. However, the conditions of Site Plan application DA-93-33 have not been finalized. As such, it is appropriate that the proposed plan of condominium be approved subject to the condition that the applicant satisfy all of the conditions of Site Plan application DA-93-33. In addition, the Roads Department has advised that as a condition of draft plan approval, the owner should be required to provide connections to the existing watermains on Vineberg Drive and Upper Wentworth Street in order to loop the private watermain within the development for reliability.

***CONCLUSIONS:***

On the basis of the forgoing, the proposed plan of condominium can be supported.

SR\sr
CDM95-02.RPT

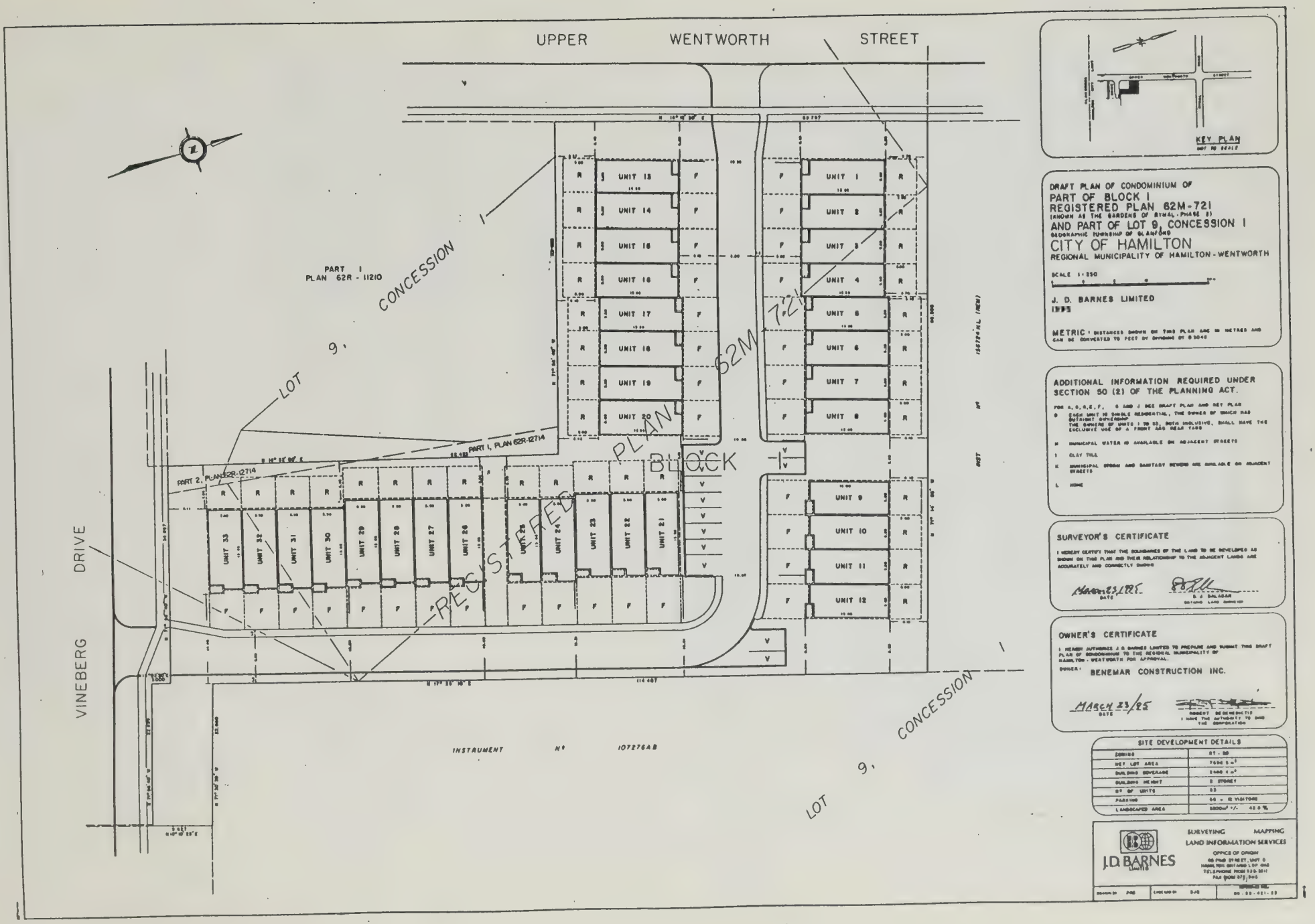



## Legend

Site of the Application

CDM-95-02

APPENDIX "A"


UPPER WENTWORTH STREET
VINEBERG DRIVE
CONCESSION 1
PART 1 PLAN 62R - 11210
LOT 9
PART 1, PLAN 62R-12714
PART 2, PLAN 62R-12714
REGISTERED PLAN 62M-721
BLOCK 1
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
UNIT 8
UNIT 9
UNIT 10
UNIT 11
UNIT 12
UNIT 13
UNIT 14
UNIT 15
UNIT 16
UNIT 17
UNIT 18
UNIT 19
UNIT 20
UNIT 21
UNIT 22
UNIT 23
UNIT 24
UNIT 25
UNIT 26
UNIT 27
UNIT 28
UNIT 29
UNIT 30
UNIT 31
UNIT 32
UNIT 33
INSTRUMENT Nº 107276AB
KEY PLAN
NOT TO SCALE
DRAFT PLAN OF CONDOMINIUM OF
PART OF BLOCK 1
REGISTERED PLAN 62M-721
(KNOWN AS THE GARDENS OF BYNAL - PHASE II)
AND PART OF LOT 9, CONCESSION 1
GEOGRAPHIC TOWNSHIP OF BLANSHARD
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
SCALE 1:250
J. D. BARNES LIMITED
1995
METRIC : DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
ADDITIONAL INFORMATION REQUIRED UNDER SECTION 50 (2) OF THE PLANNING ACT.
FOR a, b, d, e, f, g AND j SEE DRAFT PLAN AND KEY PLAN
c EACH UNIT IS SINGLE RESIDENTIAL, THE OWNER OF EACH HAS ENTIRENT APPURTENANT THE OWNERS OF UNITS 1 TO 33, BOTH INCLUSIVE, SHALL HAVE THE EXCLUSIVE USE OF A FRONT AND REAR YARD
h MUNICIPAL WATER IS AVAILABLE ON ADJACENT STREETS
i CLAY TILE
k MUNICIPAL STORM AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS
l NONE
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN
MARCH 23/1995
DATE
D. J. DALAGAR
ONTARIO LAND SURVEYOR
OWNER'S CERTIFICATE
I HEREBY AUTHORIZE J. D. BARNES LIMITED TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH FOR APPROVAL.
OWNER: BENEMAR CONSTRUCTION INC.
MARCH 23/95
DATE
ROBERT DE BENEDICTIS
I HAVE THE AUTHORITY TO BIND THE CORPORATION
SITE DEVELOPMENT DETAILS
ZONING R7 - 20
NET LOT AREA 7696.5 m²
BUILDING COVERAGE 2466.4 m²
BUILDING HEIGHT 3 STOREY
No. OF UNITS 33
PARKING 66 + 12 VISITORS
LANDSCAPED AREA 5300m² +/- 68.9 %
J.D. BARNES LIMITED
SURVEYING MAPPING
LAND INFORMATION SERVICES
OFFICE OF ORIGIN
66 FIND STREET, UNIT 3
HAMILTON, ONTARIO L9A 4X5
TELEPHONE (905) 525-3611
FAX (905) 575-4420
DRAWN BY: PMS
CHECKED BY: DJB
JOB No. 93-021-23

APPENDIX "B"

4 (a)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 1

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Doug Lobo
Commissioner of Public Works and Traffic Department

**SUBJECT:** International Village Business Improvement Area (B.I.A.) - Revised Schedule of Payment for 1995.

**RECOMMENDATION:**

a) That, the originally approved Schedule of Payment for International Village B.I.A.'s 1995 Operating Budget in the amount of $46,376. be revised as follows:

| | |
|---|---|
| 1995 January 01 | $23,188. |
| 1995 July 01 | $23,188. |

Note: 100% ($16,044.04) of the 1994 uncollected levy will be deducted from July's installment.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The amount of forty-six thousand, three hundred and seventy-six dollars is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of the Operating Budget. In the worst case scenario, if the International Village B.I.A. ceased to exist in 1995, the City could still levy the budgeted amount approved by Council and collection of these levies would be legally enforceable.

*BACKGROUND:*

City Council at its meeting held 1995 January 10 approved the International Village B.I.A.'s 1995 Operating Budget and Schedule of Payment in the amount of $46,376. Payments were identified as January 01 and September 01. Subsequently the Treasury Department calculated the 1994 uncollected levies for the International Village B.I.A. as $16,044.04. Procedure dictates that this amount must be deducted from the 1995 installments. Due to the timing of identifying the 1994 uncollected levies, there was no reduction to the January 01 payment however 100% of the uncollected levies will be deducted from the next payment. This is normal practice.

As part of its approved 1995 Operating Budget the International Village B.I.A. identified a Federal Grant of $13,350. that was expected to be forwarded to the B.I.A. in June 1995 ensuring a sufficient cash flow for the B.I.A. until the scheduled payment of its levy in September. Consequently the B.I.A. has been informed by the Federal Government that the grant will not be forwarded to them until October 1995. The impact of the delay of the Federal grant is significant making the B.I.A. unable to operate and meet its financial obligations. The B.I.A. has approached the Public Works Department to request that in light of its position that the City bring forward its September payment to July.

Staff from the Public Works and Traffic Department and the Treasury Department have no objection to the release of these funds, given that the City's interests are protected and in light of the circumstances the B.I.A. has found itself in. However, any future requests of this nature should be considered on an individual basis.

HM:hm

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Mr. A. Ross
City Treasurer
Treasury Department

4 (b)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 13

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Doug Lobo
Commissioner of Public Works and Traffic Department

*SUBJECT:* Crown Point East/McAnulty Neighbourhoods - Community Improvement Plan.

*RECOMMENDATION:*

a) That the Community Improvement Plan (attached as Schedule 'A') for the Crown Point East/McAnulty Neighbourhoods be approved; and,

b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,

c) That staff be authorized and directed to make application to the Province under the jobsOntario Program in the amount of $132,000.; and,

d) That should the application under jobsOntario prove unsuccessful that staff be authorized to proceed with implementation of revitalization efforts utilizing the $400,000. municipal allocation that is existing in Account Number CF 42000 429407001; and,

e) That the City Solicitor be authorized and directed to prepare the requisite by-law.

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

$400,000. is contained in the Crown Point East/McAnulty, Phase I, Account Number CF 42000 429407001 for the first phase of a two-phase project for improvements to both hard and soft services within the Crown Point East/McAnulty Community Improvement Project Area.

Maintenance implications identified in the Capital Budget submissions for 1994-2003 were estimated at $18,620. Once concept plans are prepared for approval by the appropriate Standing Committees a more detailed breakdown of the maintenance implications will be available.

**BACKGROUND:**

City Council at its meeting held 1994 August 30 authorized staff to implement a public participation process to identify priorities for the revitalization of the Crown Point East/McAnulty neighbourhoods.

Questionnaires were prepared and distributed to the area schools, churches, neighbourhood associations, community groups and recreational facilities in an attempt to gather maximum input from the community into the revitalization efforts. The questionnaire requested residents to identify and prioritize issues they felt needed to be addressed such as availability of park space, recreational facilities, safety issues and/or community services etc.

Four public meetings were held in the neighbourhoods to announce the revitalization initiative; to gather the communities ideas, suggestions and priorities for revitalization; and, to review the results of the questionnaires. The result of the public meetings and questionnaires were formulated into the Crown Point East/McAnulty Community Improvement Plan which received approval at a final public meeting held on 1995 May 24.

Upon City Council approval, Public Works staff will apply for a subsidy of $132,000. under the jobsOntario Program and seek Provincial approval of the Community Improvement Plan. In the meantime Parks Committees have been established with representation of the two neighbourhoods to generate a landscape plan for the redevelopment of St. Christophers Park in the McAnulty neighbourhood and the Pipeline Park in the Crown Point East neighbourhood since the redevelopment of these parks was identified as the number one priority by the respective neighbourhoods as per the attached Community Improvement Plan.

HM:hm
Encl.
c.c. Alderman G. Copps
Alderman D. Wilson
V. Abraham, Director, Local Planning, Attn: B. Janssen
A. Ross, City Treasurer, Attn: B. Hill

# CROWN POINT EAST/MCANULTY COMMUNITY IMPROVEMENT PLAN

SCHEDULE 'A'

DEPARTMENT OF PUBLIC WORKS/PARKS DIVISION

1995 JUNE

## TABLE OF CONTENTS


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| A) | Introduction to the Community Improvement Plan | 1 |
| B) | Neighbourhood Profile | 2-3 |
| C) | Community Improvement Plan | 4-7 |
| D) | Conclusion | 7 |


## SCHEDULES


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| "A" | Crown Point East/McAnulty Community Improvement Project Area Map also a Neighbourhood(s) Zoning Map | 8 |
| "B" | Neighbourhood(s) Land Use Map | 9-10 |
| "C" | City of Hamilton's Official Plan (Sub-section D-10) | 11-13 |

# CROWN POINT EAST/MCANULTY COMMUNITY IMPROVEMENT PLAN

## Introduction to the Community Improvement Plan

Hamilton City Council approved an allocation of $400,000. in the 1994 Capital Budget for improvements to the Crown Point East/McAnulty neighbourhoods - Phase I. An additional $400,000. for Phase II is planned in the Capital Budget for implementation in 1998.

The Official Plan outlines policies dealing with community improvement. As a result of these policies the City is required to prepare Neighbourhood Plans and Community Improvement Plans for the defined Community Improvement Project Area. It is intended that community improvement is achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings and/or conflicting land uses and/or inadequate levels of engineering and community services.

The Neighbourhood Plans for these neighbourhoods, adopted by City Council in 1979, identify actions to be undertaken as part of the community improvement process. Proposals for the community improvement of these neighbourhoods were placed in the City's 10-year Capital Budget. As the capital budget funding is now available, staff are reviewing the priorities identified in the 1979 Neighbourhood Plan. Based on the feed-back received from the communities in the past few months, it appears that the priorities identified in the Neighbourhood Plan are consistent to those prioritized by the existing neighbourhood residents.

In order to receive as much feedback as possible from the entire community, the public participation process has been broadened in order to reach as many groups as possible. Open Houses were held to advise the citizens of the allocations, provide information on the existing hard and soft services within their neighbourhoods and, to advise of the improvement projects that were identified in the 1979 Neighbourhood Plans prepared by the Planning Department in the late 1970's, early 1980's.

This Community Improvement Plan implements the City of Hamilton's Official Plan (Sub-Section D-10 - Community Involvement, attached as Schedule 'F'), the Property Standards By-law No. 74-74 and the Crown Point East/McAnulty Neighbourhood Plans.

## Neighbourhood Profiles

The Crown Point East and McAnulty Neighbourhoods comprise approximately 253 acres in Hamilton's East End with a total population of approximately 6,320 persons (1991 Population Statistics). These adjacent neighbourhoods are bounded by Dofasco to the north, Main Street East to the south, Kenilworth Avenue to the east and Ottawa Street to the west.

**Crown Point East/McAnulty**
**Community Improvement Plan**
**continued.....**

Crown Point East and McAnulty Neighbourhoods contain a wide variety of land uses (1991 Land Use Characteristics) including residential (56%), commercial (17%), industrial (15%), open space (2%), institutional (6%) and other, such as transportation, communication, utilities and parking (5%).

The two neighbourhoods that make up the Community Improvement Project Area are divided whereby approximately 70% comprises of Crown Point East and 30% of McAnulty. It should be noted that all of McAnulty Neighbourhood's residential areas are within the Project Area.

Commercial uses are limited mainly to the major arterial roads such as Ottawa Street, Barton Street, Main Street, Cannon Street and Kenilworth Avenue.

Industrial uses are limited mainly to the northerly area of the Crown Point East/McAnulty Neighbourhood. This can be attributed partly to the Canadian National Railway which divides the two neighbourhoods, and the Dofasco plant which fronts the northern boundary for McAnulty.

There are three schools in the Crown Point East/McAnulty area. Lloyd George and Queen Mary Schools are under the jurisdiction of the Hamilton Board of Education Public School System. Holy Family School is the responsibility of the Hamilton-Wentworth Roman Catholic Separate School Board. Just outside of the Crown Point East boundaries, on the south side of Main Street East, resides the Delta High School. It is important to note that the population of the school aged children is high in proportion to the amount of existing parkland in this neighbourhood.

Land use in Crown Point East/McAnulty is regulated by zoning by-laws which are controlled by the City of Hamilton's Official Plan, Crown Point East and McAnulty approved Neighbourhood Plans and related policies. The Neighbourhood Plan for McAnulty was adopted by City Council in 1979, the Neighbourhood Plan for Crown Point East in 1980. They identify which land uses are considered appropriate for future development in different areas throughout the neighbourhoods in conformance with the City of Hamilton's Official Plan. Land acquisition for the McAnulty Priority-One-Park (known as St. Christopher's Park) which was identified in the 1979 Neighbourhood Plan, has been completed and is ready for redevelopment. The Crown Point East Priority-One-Park was proposed to extend to the rear of Queen Mary Public School south of Roxborough Avenue. Ten (10) houses behind the school (situated between Province and Graham Avenue North) were targeted for purchase by the City in order to provide a future park. To date, five of the ten properties have been purchased. The funding allocation

for Crown Point East ($200,000.) would not allow completion of the property acquisition for this park. Other enhancements for open space and parks will be considered.

Areas for both active and passive recreation such as baseball, football, tennis, skating, picnicing, relaxing and sunbathing would greatly improve the quality of life in the Neighbourhood. As very little parkland is available in the Crown Point East Neighbourhood for use by its residents and workers, an emphasis will be placed on improvements to passive parks within this area. Due to the fact that McAnulty already has possession of a large park, emphasis be placed on a more active nature of redevelopment. These goals are consistent with the issues identified through the Open Houses and questionnaires.

## COMMUNITY IMPROVEMENT PLAN

The Community Improvement Plan will be presented in the following format:

**Goals - what the neighbourhood would like to ultimately obtain**

**Objectives - the steps to be taken to achieve these goals**

**Actions - what action needs to be taken to address the objectives**

## GOAL ONE - Develop High Quality Recreational Services

**Objective 1.1** Improvements to existing parks and facilities

**Action 1.1.1** Rehabilitate St. Christopher's Park and develop as a community park.

**Action 1.1.2** Rehabilitate Pipeline Park including improved lighting.

**Action 1.1.3** Rehabilitate open space on Park Row North to facilitate passive park area.

**Action 1.1.4** Incorporate accessible playstructure, complete with features for young children, into existing park/open space or neighbourhood school yard for use by the community.

**Action 1.1.5** Neighbourhood Associations to request input from Culture and Recreation Department and Y.W.C.A. on programming needs for neighbourhoods and suggestions for alternate locations within closer proximity.

**Action 1.1.6** Encourage Neighbourhood Association involvement in programming for new Kiwanis Boys & Girls Club Community Centre targeted to commence in 2002.

**Action 1.1.7** Neighbourhood Association to work with Dofasco and Public Schools to develop play structures within schools with a view to creating a financial partnership.

## GOAL TWO - Create a Clean, Non-Pollutant Environment Within The Neighbourhoods

**Objective 2.1** Address the problem of intense air pollution in the neighbourhood.

**Action 2.1.1** Incorporate greenery (trees, climbing vines) into frontages of existing industrial properties.

**Action 2.1.2** Introduce trees into the City Boulevards and request permission from individual property owner to plant trees on their properties.

**Action 2.1.3** Work with Homeside Neighbourhood and the Ministry of Environment to combat the air pollution problem.

## GOAL THREE - Improve Overall Health and Well-being of the Residents of the Community

**Objective 3.1** Encourage establishment of an easily accessible Medical Clinic for use by the neighbourhood.

**Action 3.1.1** Neighbourhood Association to keep in ongoing contact with the Physician Associations to ensure future physicians are made aware of the need of a facility in these neighbourhoods.

**Objective 3.2** Improve accessibility to existing or future social service agencies in the area through providing the residents with more information.

**Action 3.2.1** Encourage social service agencies to work with newly developed community services/centres.

**Objective 3.3** Improve general information and referral services in the area.

**Action 3.3.1** Neighbourhood Association request that local agencies make presentation of services that are provided.

**Action 3.3.2** Local agencies be requested to send information material to area community centres and neighbourhood associations.

**Action 3.3.2** Neighbourhood Association distribute newsletters to the community incorporating all pertinent information affecting the neighbourhood.

| | |
|---|---|
| **Objective 3.4** | Improve the environmental quality of the neighbourhood. |
| **Action 3.4.1** | Neighbourhood Association identify litter problem areas and review same with the Department of Public Works and C.N. Railway. |
| **Action 3.4.2** | Work with Keep Hamilton Clean Committee to review problems in the neighbourhoods. |

## GOAL FOUR - Increase Public Safety

| | |
|---|---|
| **Objective 4.1** | Reduce crime in the neighbourhood |
| **Action 4.1.1** | Neighbourhood Associations to work with the local authorities in identifying concerns. |
| **Action 4.1.2** | Police to be invited to make presentation to the Neighbourhood Association about various programmes (i.e. Crime Stoppers, Business Watch, etc.). |
| **Action 4.1.3** | Create a Neighbourhood Watch Committee. |
| **Action 4.1.4** | Police be invited to make presentation to area schools to advise children on safety measures, more than once a year, to reinforce negative affects of juvenile delinquency. |
| **Objective 4.2** | Investigate the lighting conditions in the neighbourhood |
| **Action 4.2.1** | Increase the lighting in Pipeline Park |
| **Action 4.2.2** | Identify areas of concern and request lighting level readings from Public Works Department. |
| **Objective 4.3** | Improve on-street parking. |
| **Action 4.3.1** | Neighbourhood Association to identify problem areas and review same with the Traffic Department. |

## GOAL FIVE - Create and Improve Upon Ever-changing Educational Needs

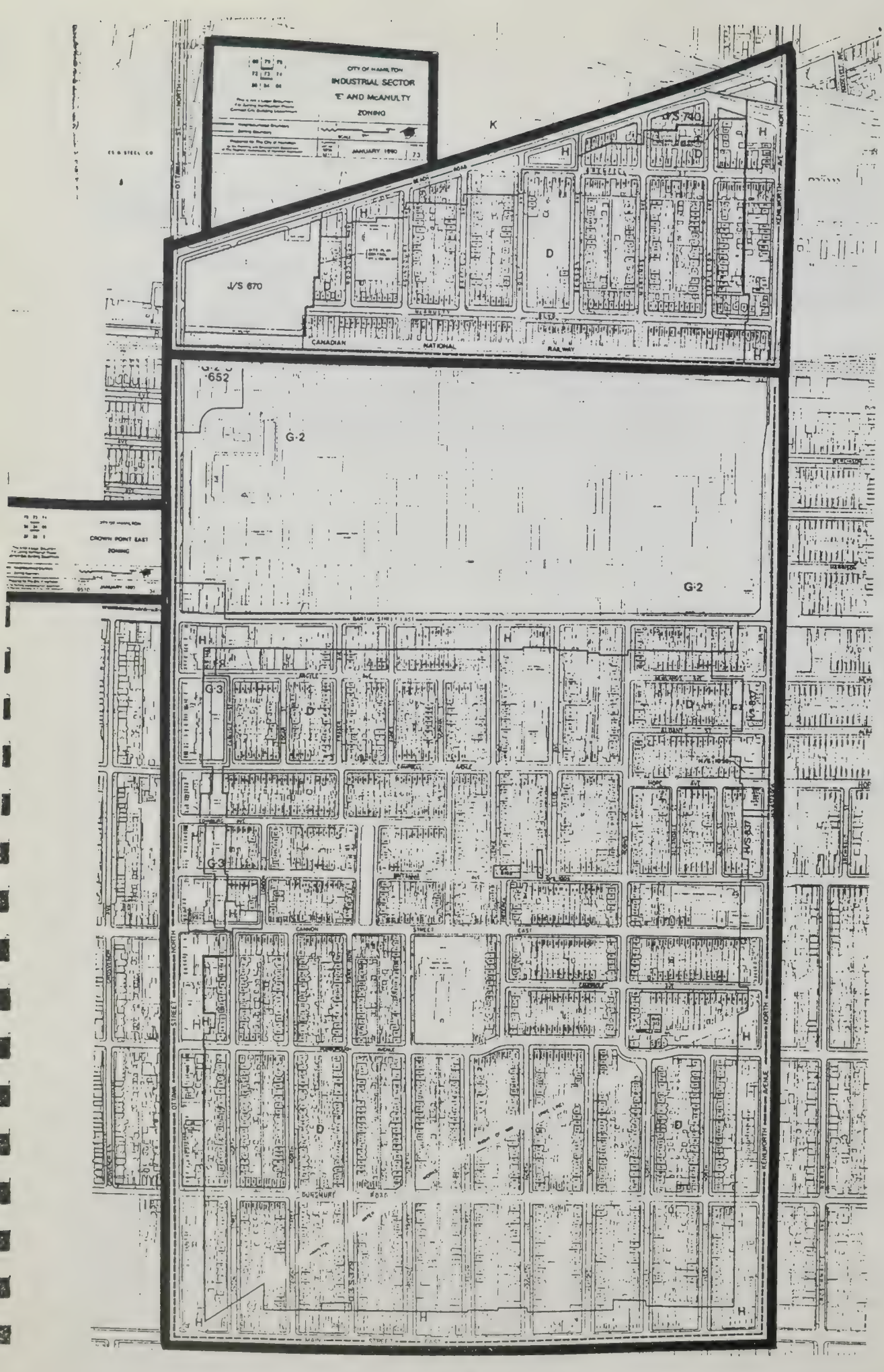
| | |
|---|---|
| **Objective 5.1** | Neighbourhood Association to investigate possibility of Adult Education/Retraining Programmes at a location within their neighbourhood. |

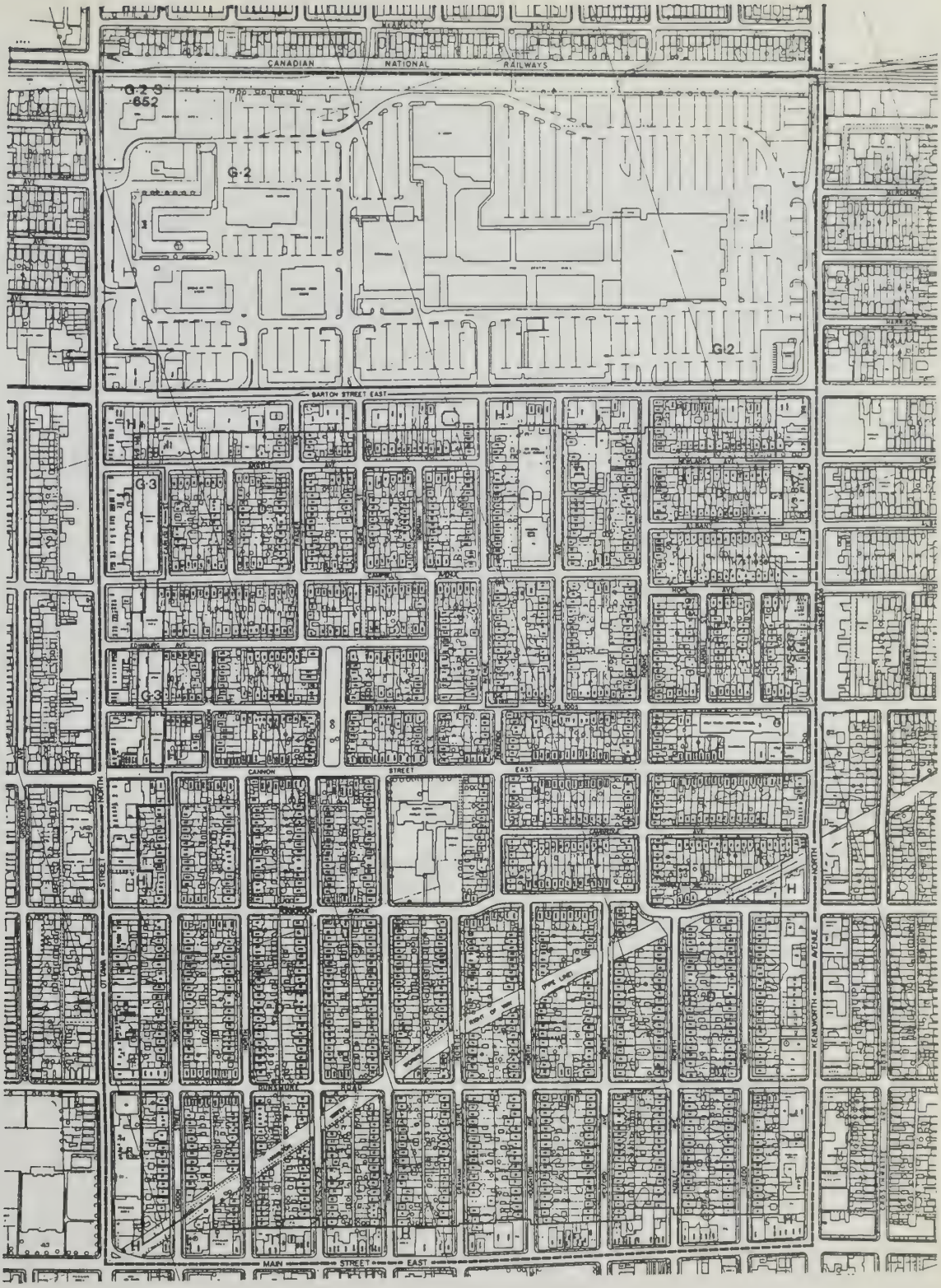
| | |
|---|---|
| **Action 5.1.1** | Contact Public School Board and Mohawk College to determine feasibility of programmes within neighbourhood school. |
| **Action 5.1.2** | Request information from Mohawk College on programmes already offered in the vicinity of McAnulty neighbourhood. |
| **Action 5.1.3** | Utilize School and Neighbourhood Association to inform residents of existing programmes available at these alternate Mohawk/College locations and funding assistance (through O.S.A.P.). |

## Conclusion

The north-east communities in the City of Hamilton experienced tremendous industrial growth in the 1940's, 1950's and 1960's. These neighbourhoods grew at that time to provide housing for the employees who worked at the steel mills. The neighbourhoods now provide "affordable" housing for Hamilton's citizens in accordance with provincial policy (Land Use Planning for Housing; Provincial Policy statement of Bill 163).

With the use of this Capital Budget allocation, we hope to improve the excellence of life in these areas by providing some much needed improvements and services.


CITY OF HAMILTON
INDUSTRIAL SECTOR
'E' AND McANULTY
ZONING
JANUARY 1980
CROWN POINT EAST
ZONING
K
J/S 740
J/S 670
D
H
G-2
652
G-3
J/S 837
CANADIAN
NATIONAL
RAILWAY
BARTON STREET EAST
CANNON
STREET
EAST
OTTAWA
STREET
NORTH
KENILWORTH
AVENUE
NORTH
BURLINGTON
ROAD




| | | |
|---|---|---|
| 72 | 73 | 74 |
| 35 | 34 | 66 |
| 37 | 36 | 9 |

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

CROWN POINT EAST

ZONING

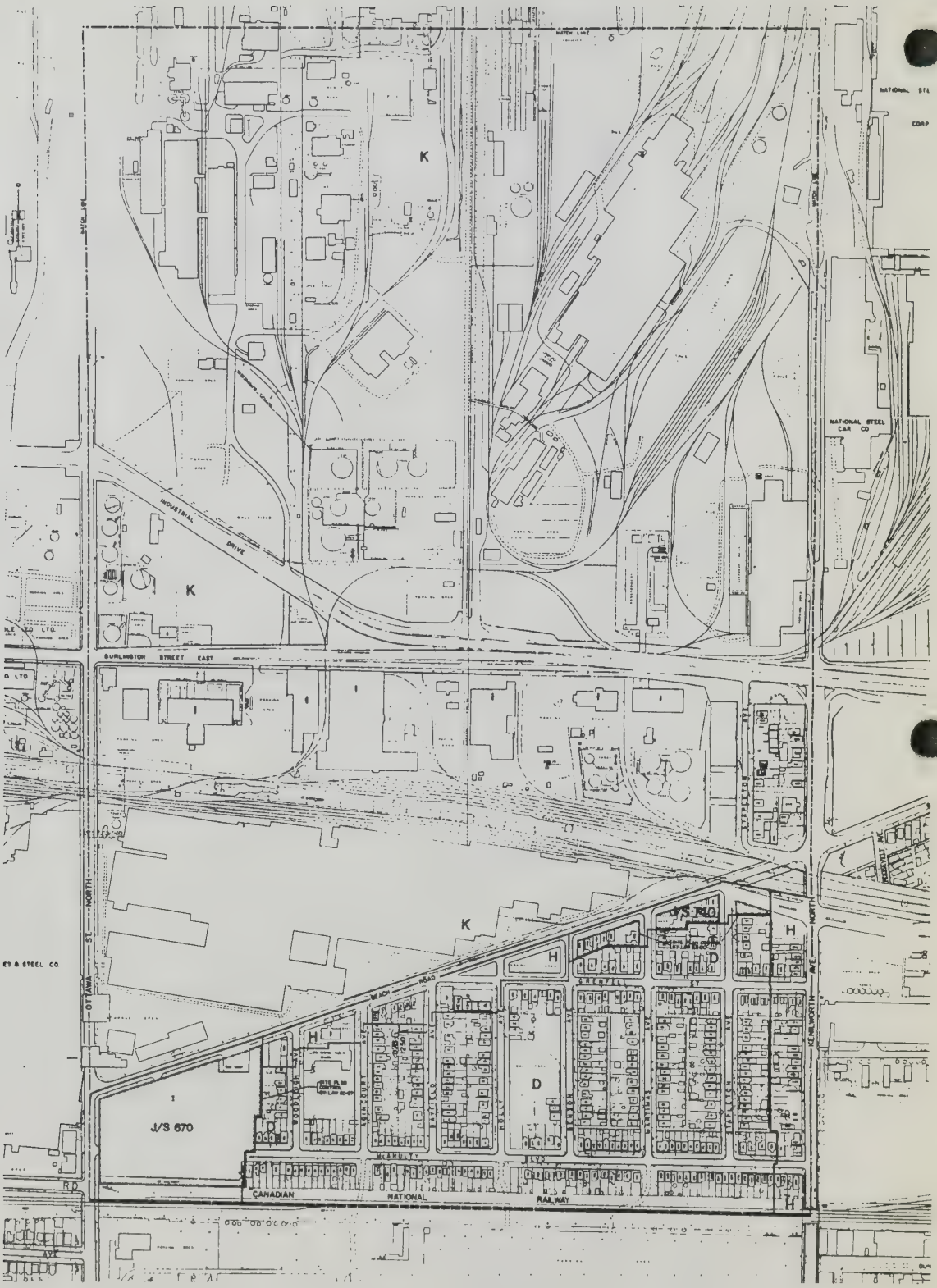
Neighbourhood Boundary
Zoning Boundary

0 50m 100m
SCALE

Prepared for The City of Hamilton
by the Planning and Development Department
of The Regional Municipality of Hamilton-Wentworth

PLANNING UNIT NO. 6510

PAGE NO. 34




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| 72 | 73 | 74 |
| 35 | 34 | 66 |

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.

CITY OF HAMILTON

INDUSTRIAL SEC
'E' AND McANUL

ZONING

Neighbourhood Boundary
Zoning Boundary.

0 100m
SCALE 30m

Prepared for The City of Hamilton
by the Planning and Development Department

PLANNING UNIT NO. 8205 8211

PAGE NO 73

## Subsection D.10 - Community Improvement

***It is the general intent of the Plan to promote the ongoing maintenance of the established areas of residences and work in the City through COMMUNITY IMPROVEMENT. Accordingly, it is intended that COMMUNITY IMPROVEMENT be achieved by means of the conservation, rehabilitation or redevelopment of areas characterized by obsolete buildings, and/or conflicting land uses and/or inadequate levels of Engineering and Community Services.***

***It is thus necessary to provide the framework to co-ordinate public and individual initiatives to effectively utilize the funding programs available from senior levels of government for COMMUNITY IMPROVEMENT. To this end, it is further intended that COMMUNITY IMPROVEMENT Project Areas, be identified and appropriate strategies for their revitalization be detailed through COMMUNITY IMPROVEMENT Plans.***

10.1 It is the intent of Council that the COMMUNITY IMPROVEMENT AREAS as shown on Schedule "H" may be designated, in whole or part, by by-law, as COMMUNITY IMPROVEMENTS Project Areas, for which detailed COMMUNITY IMPROVEMENT Plans will be prepared. (O.P.A. No. 15)

10.2 Council will utilize the following criteria to identify and delineate COMMUNITY IMPROVEMENT Project Areas:

i) Older, predominantly Residential areas, which are potentially stable and have some of the following:

a) a significant portion of the housing stock in need of rehabilitation;

b) inadequate Engineering Services such as: sewers and watermains; roads and streets; curbs and sidewalks; and street lighting and utilities;

c) inadequate Community Services such as public indoor/outdoor recreational facilities; public open space; and public social facilities;

d) encroachment of non-residential uses; and,

e) inadequate parking facilities.

ii) Older, predominantly Commercial areas, which are potentially stable and have some of the following:

a) a significant portion of the building stock in need of rehabilitation;

b) inadequate Engineering Services such as: roads, sewers and watermains, street lighting;

c) poor overall visual amenity of the area;

d) existing or potential for a Business Improvement Area designation; and,

e) inadequate parking facilities.

iii) Older, predominantly Industrial areas, which are potentially stable and have some of the following:

a) inadequate Engineering Services;

b) inadequate road access and traffic circulation;

c) shortage of land to accommodate building expansion and/or parking and loading facilities;

d) encroachment of non-industrial uses; and,

e) building and/or property deterioration. (O.P.A. No. 15)

10.3 Council will determine the sequences in which designated COMMUNITY IMPROVEMENT Project Areas will have individual COMMUNITY IMPROVEMENT Plans prepared. In this manner, limited public funding assistance will be directed to those Areas with critical deficiencies. (O.P.A. No. 15)

10.4 The COMMUNITY IMPROVEMENT Plan will function to co-ordinate individual initiatives to improve properties with municipal actions to improve Engineering and Community Services. Accordingly, COMMUNITY IMPROVEMENT Plans will define which of the following measures amongst others will apply in the affected COMMUNITY IMPROVEMENT Project Areas:

i) Use of appropriate funding programs;

ii) Acquisition of land where necessary in keeping with Subsection D.5 of this Plan;

iii) Enforcement of a property standards by-law in keeping with Subsection C.5 of this Plan;

iv) Consideration of more flexible zoning including bonus zoning provisions, where it will support the COMMUNITY IMPROVEMENT objectives;

v) Encouragement of infill and rehabilitation where feasible;

vi) Promotion of historical preservation through the appropriate Provincial and Federal legislation in keeping with Subsection C.6 of this Plan; and,

vii) Promotion of the viability of Commercial areas through such means as the establishment of Business Improvement Areas. (O.P.A. No. 15)

10.5 In the preparation of a COMMUNITY IMPROVEMENT Plan, Council will solicit the input of affected residents, property owners and other interested groups in keeping with the Notice and Public Participation Procedure, as set out in Subsection D.9 of this Plan. COMMUNITY IMPROVEMENT Plans and amendments thereto will be adopted by Council. (O.P.A. No. 15)

10.6 When Council is satisfied that the COMMUNITY IMPROVEMENT Plan has been carried out, Council may, by by-law, dissolve the COMMUNITY IMPROVEMENT Project Area. (O.P.A. No. 15)

5(a)

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 June 8

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** Len King, P.Eng
Building Commissioner

**SUBJECT:** Barton Street Revitalization - Mural (95.2.14, 95.2.4.2.1.A)

**RECOMMENDATION:**

1. That the budget as outlined in Schedule A be approved for the mural component of the Barton Street Revitalization Program, and;

2. That the City Treasurer be authorized and directed to forward $16,000. ($20,000. - 20% holdback) for the mural component to the Barton Street B.I.A. The outstanding balance of $4,000. to be forwarded upon submission of a statement of account.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funding of $300,000. has been provided by the Province of Ontario for the revitalization program. The Province of Ontario will provide a total of $1-million directly to the City of Hamilton over the next three (3) years. Full funding for the mural component has been budgeted and provided from provincial funding.

**BACKGROUND:**

On 1995 March 28, City Council approved a Barton Street Redevelopment Program for renovation loans and grants, mural projects, street festivals, and street enhancement.

.../2

As part of the revitalization program, the B.I.A. proposed that a mural project would be held on Barton Street. This proposal was approved by Council and a yearly budget of $20,000. was provided.

The resolution approved by Council states as follows:

> "The City will provide up to $20,000. yearly from available provincial funds to the Barton Street B.I.A. for mural projects within the B.I.A. Guidelines for the murals will be established by the City's Art Co-ordinator and final approval will rest with the B.I.A., the Art Advisory Sub-Committee, and the Task Force of the Barton Street Revitalization/Cultural Industry Strategy.
>
> Co-ordination will be the responsibility of the B.I.A.
>
> Costs of co-ordination, wages, and materials are to be submitted for approval along with the art itself, and will be advanced on a per cent of completion basis."

The B.I.A. has submitted a budget of $20,000. (see attached Schedule A) for the mural project with a call for entries on 1995 June 25 at the Street Festival. A holdback of $4,000. (20%) will be made until a statement of account is submitted to the City Treasurer.

DC/dc
Encl.

Appendix A

# BARTON STREET - A VISUAL ARTS PROGRAMME

Prepared by the Department of Culture and Recreation
Public Art Programme

## I HISTORY

From the research recently prepared by Julie Fitzgerald for the Social Planning and Research Council, a picture of the Barton Street area in the 1800's (including the Wellington to Wentworth Streets section) has emerged. On farmland originally owned by United Empire Loyalist Robert Land, immigrants from Scotland, Ireland, England and the United States established a neighbourhood. The ethnic make-up of the area did not change over many decades.

In the 1880's and '90's there were many itinerant peddlars, skilled craftsmen (such as coopers, blacksmiths, shoemakers, bakers), lumber and other supplies merchants and labourers. Widows were numerous. The land east of Wentworth was either farmed or undeveloped.

Although industries were being located at the Bay, most traffic movement was east-west to downtown.

In the pecking order of working class neighbourhoods, Landsdale was at the top. Its residents had significant skills and trades and therefore earned four times as much as unskilled labourers. This situation persisted into the 1920's and '30's. For example, in the '30's there were twenty barbers/hairdressers in the neighbourhood. Twelve were on Barton Street East itself at numbers 270, 323, 407, 292, 314, 335, 376, 388, 445 (barbers); 303, 322, 355 (beauty salons). Another thriving enterprise was the dairy business.

## II INTRODUCTION

It is important to recognize and build on the strengths, in this case, of an eight block stretch from Wellington (North) to Wentworth Streets (North). Glimpses of Barton Street's origins are still found in the wide variety of shops and services offered today. Within eight blocks we have beauty salons, flower shops, health services, grocers, a bicycle shop, used furntiure, recycled clothing, used books, antiques restoration, paint and wallpaper goods, a balloon store, an occult shop, neighbourhood information centre, auto garage, blacksmith's, a watchmaker's shop, banquet centre, and a scattering of restaurants.

The older architecture is either two or three stories - a comfortable, human scale - with retail space on ground floors and residential units above. These buildings generally appear to be solidly constructed with uncomplicated exterior ornamentation, usually decorative mouldings around windows on the upper stories.

Street blocks are intersected at frequent intervals by residential roads and back laneways. Business signage is not obtrusive but it is often dilapidated or ineffective.

On the negative side, Barton Street currently holds a number of properties owned by absentee landlords. Buildings are deteriorating and neglected which creates an atmosphere of degeneration throughout the area. The street appears to function more as a vehicle conduit than an intimate lifeline of its immediate neighbourhood.

Redevelopment goals are focused on neighbourhood economic development through:

a) facade and interior improvements to satisfy building code requirements and maintenance needs;
b) streetscaping to improve safety, access for the disabled and the regulation of traffic flow;
c) events programming and marketing initiatives.

The Barton Street Business Improvement Area Association has decided to focus on re-creations of 1920's and '30's cultural influences (social and artistic).

## III MURAL PROGRAMME

Mural Programme Guidelines

1. Co-ordination:

- Through the Barton Street BIA, a project co-ordinator has been hired to work out of the office at 405 Barton Street East.

- A monitoring function will be provided by the Barton St. Revitalization Committee.

- Since other streetscaping improvements will be addressed by the Public Works Department, more benefit will be derived from a co-ordinated design approach. For example, lighting installation could highlight the murals' visibility and act as a deterrent to vandalism.

2. Number/Locations:

- It is recommended that three sites for murals be chosen by the Barton Street Revitalization Committee in the first year of the programme.

- If required by choice of sites (private property), building owners will be asked for approval of the installation of murals. Owners will be invited to participate on the selection committee.

3. Competition:

- A call for entry will be advertised, open to visual artists in the Hamilton region who have experience in mural-making. The call for entry will announce the theme, locations, design requirements, submission deadline and any other necessary criteria.

- Artists will choose one of two locations and create a design for that location.

- A selection committee will be established; members of this committee will include two professional visual artists, BIA representative, the City Arts Co-ordinator, any affected property owners and neighbourhood residents.

4. Theme:

- Subject matter chosen by the artists for their mural proposals should celebrate the people, events and environment of Hamilton.

5. Time Frame

- June 6, 1995 hiring of project co-ordinator; approval of sites, budget allocations; competition guidelines
- June 25 announcement of competition/call for entry
- July 26 deadline for entries
- July 28 Selection Committee Meeting
- September 16 Completion of murals, unveiling reception

6. Budget

- 2 Artists' Commissions: $5,000. each
- Programme expenses: $2,500.
- Total: $12,500.

7. Process

- Three potential locations have been identified. The first two locations are preferred. The third location is noted as an alternative. The owners of those businesses will be approached for consent to erect mural panels on the exterior walls of their buildings.
- A recommendation will be sent to Planning and Development Committee to allocate the $20,000. from the primary revitalization project budget for the murals and sign programme.
- Specifications for the murals and signs projects will be detailed in the call for entry and project brief.

## IV ARTIST-DESIGNED SIGNS

1. Co-ordination

- Initially, staff will act as primary contact to facilitate linking of artists and business owners. BIA members will each deal directly with their chosen artist to co-ordinate sign and, if desired, facade design elements.

2. Resources

- A resource list of established, professional local artists will be compiled for distribution.
- A slide presentation of various artists' work will be assembled, available for showing to groups of business owners.

3. Budget

- The Revitalization Programme will provide $7,500. from the murals allocation to partially subsidize the development of artist-designed signs. Property owners would be expected to contribute up to fifty percent of the sign costs.

5(b)

# CITY OF HAMILTON
# - RECOMMENDATION -

**DATE:** 1995 June 13

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** Mr. Len C. King
Building Commissioner

**SUBJECT:** Demolition Permits for One and Two Family Dwellings
(95.2.4.2.1.A, 95.1.1.A)

**RECOMMENDATION:**

That the Council resolution contained as item 14 in the Planning and Development Committee Report passed on 1983 June 28 which authorized the Planning and Development Committee to deal with demolition permit applications during the summer months of June, July and August be rescinded in order to ensure that all demolition permits receive Council approval prior to issuance.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The Council resolution passed on 1983 June 28 reads as follows:

> "That the Planning and Development Committee be authorized to deal with demolition permit applications during the months of June, July and August, by directing the Building Commissioner to issue demolition permits for those applications approved by the Committee, and that the Committee report its actions for final approval to the next regular meeting of City Council."

The Explanatory Note appended to this resolution noted that City Council meets only once a month during the summer months and, in order to avoid unnecessary delays, this procedure of issuing demolition permits had already been in place for the three years previous.

We have been advised by the City Solicitor that in regard to the delegation of power conferred to it by statute, Council may only delegate those powers which it is permitted to delegate by statute. The City Solicitor further advised that they are unaware of any statute which authorized the delegation of Council's power to issue or refuse to issue demolition permits. Accordingly, they are of the opinion that only Council may issue or refuse to issue demolition permits and have recommended that the Council resolution of 1983 June 28 be rescinded.
WKW/zr

# CONSENT AGENDA

## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1995 June 21st**
**9:30 o'clock a.m.**
**Room 233, City Hall**

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee Meeting held 1995 May 24

B. **BUILDING COMMISSIONER**

(i) Demolition Permit - 35 Dickson Street
(ii) Commercial Loan Program - 35 King Street East
(iii) Commercial Loan Program - 213-217 Ottawa Street North
(iv) Commercial Loan Program - 470 Barton Street East
(v) Commercial Loan Program - 228 Barton Street East
(vi) Commercial Loan Program - 293 Barton Street East
(vii) Heritage Program - 112 Aberdeen Avenue

C. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC**

Seventh Annual Public Service Announcement Competition: Phase IV of the Downtown Hamilton Action Plan

D. **CITY ENGINEER**

Final Lot Grading and Sodding Contract for Various Subdivisions During 1995

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

A.

Wednesday, 1995 May 24
9:30 o'clock a.m.
Room 233, City Hall

**The Planning and Development Committee met.**

| | |
|---|---|
| **There were present:** | Alderman Don Drury, Chairperson<br>Alderman Geraldine Copps<br>Alderman Fred Eisenberger<br>Alderman Marvin Caplan<br>Alderman Bob Charters<br>Alderman William McCulloch<br>Alderman Henry Merling |
| **Regrets:** | Mayor Robert M. Morrow<br>Alderman Frank D'Amico |
| **Also present:** | Paul Mallard, Planning Department<br>Bill Janssen, Planning Department<br>Nina Chapple, Planning Department<br>Brian Allick, Building Department<br>Willy Wong, Building Department<br>Roland Karl, Traffic Department<br>Eugene Chajka, Transportation & Environmental Services<br>Approximately 15 members of the public<br>Stella Glover, Secretary |

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. **30 Rymal Road East**

The Committee was in receipt of a report dated 1995 May 15 from the Director of Planning and the Chief Administrative Officer respecting the above noted matter.

Paul Mallard of the Planning Department made a submission with respect to the proposal and explained the staff recommendation to deny the application. He advised that of 85 notices sent, 5 had been received in favour and 2 opposed.

Ed Fothergill, Planning Consultant, appeared on behalf of the Owners and asked the Committee to table this matter in order to allow more time for meetings with the neighbours and Ward Aldermen.

Members of the Public were invited to speak:

Mr. Wilfred Hart of 6 Lister Avenue gave a brief history of the area stating that the neighbourhood comprises large lots with no sidewalks or sewers and with the resultant traffic problem. He spoke against the application and said he was in favour of denial.

After consideration, the Committee approved the following:

That amended Zoning Application ZAC-95-05, Peter Hatzoglou, Peter and John Zourntos, Aiden Tuite and Philip Mancini, owners, requesting an Official Plan amendment to modify Special Policy Area 46, and a further modification to the established "G-4" (Designed Neighbourhood Shopping Centre) District regulations, to permit additional commercial uses in an established commercial plaza, for property located at 30 Rymal Road East, as shown on the attached map marked as Appendix "A", be denied for the following reasons:

- it conflicts with the intent of the Official Plan and the approved Allison Neighbourhood Plan; and,

- it conflicts with intent of By-law No. 89-246 which rezoned the subject lands to "G-4" (Designed Neighbourhood Shopping Centre) District, modified which specifically limits the commercial uses to those only of a neighbourhood nature and prohibits high traffic generators; and,

- approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

2. **Request for an Official Plan Amendment and change in zoning for lands located at 220 and 222 Burlington Street East - ZAC-95-08.**

The Committee was in receipt of a report dated 1995 May 15 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

Norm Watson, agent for the applicant Credit Union, attended and requested an adjournment to the next available meeting date in order to allow the Credit Union Building Committee members to meet and reconsider the feasibility of their plans. He asked for input from the public.

Paul Mallard of the Planning Department made a submission with regard to the subject application and advised that of 180 notices sent, 9 had been received in favour and two opposed.

Submissions were also received at the meeting in favour of the proposal from Bruce Nutley of 535 Ferguson North, Roberta McEachern of 540 Ferguson Avenue North, Patricia Hilton and Gregg McKerracher of 15-1759 King Street East and Weimar Juergen of 1218 Highway #8.

Members of the public were then invited to speak:

A lady resident expressed concern with regard to traffic and lack of parking and stated that she was worried that the development would aggravate existing problems with sewer flooding.

Bill Nutley of 539 Ferguson North spoke in favour of the proposal and agreed that office use was suitable for the property. Mr. Nutley felt demolition of one of the houses on the property would reduce flooding problems and stated that the area had an existing four lane road and he did not feel traffic would be a problem.

A gentleman from 216 Burlington Street expressed concern with regard to drainage problems which he felt the new development would create.

A gentleman from 214 Wellington Street spoke against the application stating that he was not in favour of changing the zoning from residential.

After discussion, the Committee approved the following:

That Zoning Application 95-08, Centennial Credit Union Limited, prospective owner, requesting an Official Plan Amendment to create a Special Policy Area to permit a Financial Institution within a Residential Designation and a change in zoning from "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District to permit a Credit Union, for lands

located at 220 & 222 Burlington Street East, shown on the attached map marked as Appendix "B", be denied for the following reasons:

(a) It conflicts with the intent of the approved North End East Neighbourhood Plan in that the subject lands are designated "Single and Double Residential"; and,

(b) The proposal would not be compatible with the existing residential development in the surrounding area; and,

(c) There is an adequate supply of appropriately designated and zoned lands in the North End Neighbourhoods to accommodate the proposed use (i.e. "J" District lands to the north and "K" District lands to the east); and,

(d) The proposed use is considered a high traffic generator, and its location would have a negative impact on the current roadway pattern and increase traffic congestion on Burlington Street; and,

(e) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law.

3. **Rental Housing Protection Act - 9:45 A.M.**

**(a) Application CD-95-001, 174 Herkimer Street (Durand Neighbourhood)**

The Committee was in receipt of a report dated 1995 May 16 from the Director of the Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

Bill Janssen of the Planning Department made a submission with respect to the proposal and the reasons for the staff recommendation to deny.

Bruno Megna attended on behalf of the owners and addressed the application. He advised of meetings which had taken place with the tenants and said 17 of the nineteen tenants were in favour of the conversion. He was willing to go to an eight or nine year lease. However, he would release the tenants from this lease, if they so wished.

Mr. Megna then advised the Committee of the proposed improvements to the properties.

Members of the public were invited to comment:

Miss McKerrar of 174 Herkimer stated that she was in favour of signing a lease in order that she would not have to move from the building.

After discussion, the Committee approved the following:

(a) That approval be given to Application CD-95-001, under the Rental Housing Protection Act, Roy Megna (In Trust), owner, for conversion of 19 rental apartment units to 19 condominium units for property located at 174 Herkimer Street, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "C", the right to lease their current unit, noted in Appendix "C", for a period of not less than nine years, from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "C", upon the following minimum terms:

1. the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

2. that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

3. that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

4. that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

5. that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "C" an Option to Purchase a Unit specified in Appendix "C", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which

Agreement shall incorporate the conditions in Appendix "D" annexed hereto; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "C", "D" and "E" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

**(b) Application CD-95-002, 93 Emerald Street South**

The Committee was in receipt of a report dated 1995 May 16 from the Director of Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

Bruno Megna attended on behalf of the owner and addressed the proposal.

A lady resident of 93 Emerald Street stated that she was not interested in buying her apartment and hoped that the application would not be approved. She stated that improvements had been made to the outside of the building, but not much had changed inside. Parking was quite congested and the neighbourhood had changed considerably and the resident did not feel that many people would wish to buy the property.

Bruno Megna advised of meetings which had been held with the tenants and their responses thereto.

After consideration, the Committee approved the following:

(a) That approval be given to Application CD-95-002, under the Rental Housing Protection Act, Bruno Megna (In Trust), owner, for conversion of 20 rental apartment units to condominium units for property located at 93 Emerald Street South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "F", the right to lease their current unit, noted in Appendix "F", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "F", upon the following minimum terms:

(1) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

(2) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(3) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(5) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "F" an Option to Purchase a Unit specified in Appendix "F", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "G" annexed hereto; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "F", "G" and "H" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

**(c) Application CD-95-003, 2375 King Street East**

The Committee was in receipt of a report dated 1995 May 16 from the Director of the Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

Bruno Megna attended on behalf of the owner and addressed the application.

After discussion, the Committee approved the following:

(a) That approval be given to Application CD-95-003, under the Rental Housing Protection Act, Roy Megna (In Trust), owner, for conversion of 39 rental apartment units to condominium units for the property located at 2373 King Street East, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "I", the right to lease their current unit, noted in Appendix "I", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "I", upon the following minimum terms:

(1) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

(2) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(3) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(5) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "I" an Option to Purchase a Unit specified in Appendix "I", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "J" annexed hereto; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(iv) That this RHPA approval shall cease and be at an end,

1. if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

2. in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "I", "J" and "K" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING AND DEVELOPMENT**

**Draft approval of "San Lorenzo Heights" Subdivision (Regional File 25T-94002)**

The Committee was in receipt of a report dated 1995 May 15 from the Director of the Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

After discussion, the Committee approved the following:

(a) That approval be given to application SAC-94-01 (Regional File No. 25T-94002), 603976 Ontario Limited (Terra Homes), owner, to establish a draft plan of subdivision "San Lorenzo Heights", for lands located east of Upper James Street and north of Chipman Avenue, as shown on the attached map marked as Appendix "L", subject to the following conditions:

(i) That this approval apply to the plan, prepared by A.J. Clark and Associates and certified by B.J. Clark, O.L.S., dated April 21, 1994, now red line revised, showing 50 lots for single detached dwellings, and a 0.3 metre reserve (Block 51); and,

(ii) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District in the City of Hamilton Zoning By-law No. 6593; and,

(iii) That the proposed plan of subdivision not be registered until a road connection has been approved for construction on the existing portion of Ridge Street from Chipman Avenue to the south limit of the proposed plan of subdivision; and,

(iv) That the north/south portion of Street "A" to the east of Lot 1 be stablished to its full width prior to the registration of the Final Plan of subdivision; and,

(v) That a 0.30 metre reserve be established, as a block, on the Final Plan of subdivision along the north limits of Street "A", at the dead-end, and that the owner agree to convey the reserve to the City of Hamilton, by deed, following registration of the Final Plan of subdivision; and,

(vi) That the owner establish 9.0 metre transitional curves into and out of the cul-de-sac bulbs on Street "A" and Court "B" on the Final Plan of subdivision; and,

(vii) That a minimum 2.0 x 2.0 metre daylight triangle be established at the corner of Lot 30 on the Final Plan of subdivision; and,

(viii) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(ix) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,

(x) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xi) That the streets be named to the satisfaction of the City of Hamilton; and,

(xii) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,

(xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xiv) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,

(xv) That the proposed plan of Subdivision not be registered until the holding provision in the Zoning By-law has been removed; and,

(xvi) That the owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAC-94-01/25T-94002), "San Lorenzo Heights", proposed draft plan of subdivision, and that the City execute the agreement

when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the approved Jerome Neighbourhood Plan be amended as follows (see Appendix "M"):

(i) From "Civic and Institutional" to "Single and Double Residential" for the parcel of land extending approximately 130 m east and 90 m north of the north-east corner of the proposed "San Lorenzo Heights" plan of subdivision; and,

(ii) From "Single and Double Residential" to "Civic and Institutional" for the parcel of land located to the north of Lots 14 to 20 inclusive of the proposed "San Lorenzo Heights" plan of subdivision, and extending to a depth of approximately 100 m; and,

(iii) The road pattern be revised based on the termination of Ridge Street at the intersection of Ridge Street and Street "A" and the northerly extension of Street "A" to the proposed extension of Towercrest Drive; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

5. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT/LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

(a) **MacNab-Charles Heritage Conservation District - Request for Improvements to Public Amenities**

The Committee was in receipt of a report dated 1995 May 17 from the Local Architectural Conservation Advisory Committee respecting the above noted matter.

After consideration, the Committee approved the following:

That approval be given to investigate the implementation of Municipal improvements to Public Amenities for the MacNab-Charles Heritage Conservation District, as outlined in the attached report and marked Appendix A.

(b) **Municipal Improvements to MacNab-Charles Heritage Conservation District**

The Committee was in receipt of report dated 1995 May 17 from the Director of the Planning and Development Department and the Chief Administrative Officer respecting the above noted matter.

After consideration, the Committee approved the following:

a) That the request from L.A.C.A.C. for Municipal improvements to the MacNab-Charles Heritage Conservation District be sent for consideration to the following departments to report to Council through their respective committees (proposals to be sent to the MacNab-Charles Heritage District Advisory Committee for comment before forwarding to City Committees):

The Planning and Development Department and the Department of Public Works to co-ordinate design and implementation re:

- a distinctive type of paving to denote the Heritage District;

- burying the overhead wires and installing historic street lighting.

b) That the request for a buffer to the railway noise and air pollution on the CP/GO-Transit Line at Hurst Place (Park to Charles Streets) be sent directly to Council to be forwarded to C.P.

The Committee further directed that the recommendation that the Traffic Department permit parking for Charles Street and MacNab Street South between Bold Street and Hurst Place be referred to the Transportation and Environment Committee.

6. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

**Heritage Designation - 207, 211, 213, 215 Ferguson Avenue South**

The Committee was in receipt of a report dated 1995 May 17 from the Local Architectural Conservation Advisory Committee respecting the above noted matter. After consideration, the Committee approved the following:

(a) That approval be given to the "Intent to Designate" 207, 211, 213, 215 Ferguson Avenue South (4 units of 50-unit Victorian rowhouse) as properties of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1989, as outlined in the Reasons for Designation attached herewith and marked Appendix "N"; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have these properties designated pursuant to the provisions of the Ontario Heritage Act, 1989.

7. BUILDING COMMISSIONER

**(a) Amendment to City of Hamilton By-law 84-35 respecting Domestic and Industrial Waste to Allow Orders to be Sent by Regular Mail**

The Committee was in receipt of a report dated 1995 May 4 from the Building Commissioner respecting the above noted matter.

After consideration the Committee approved the following:

(a) That Section 7 of By-law No. 84-35 respecting Domestic and Industrial Waste be repealed and the following substituted:

7. (1) "The Commissioner or an Inspector may make an Order sent by regular mail to the last known address on the assessment records, to the owner, lessee or occupant, and by posting on site, requiring the owner, lessee or occupant, within the time specified in the Order:

(i) to keep his private drains in repair; and,

(ii) to alter or relay his private drains; and,

(iii) to provide for the sanitary disposal of sewage and drainage from his land or structure; and,

(iv) to clean, clear or remove from the land or structure garbage, refuse or domestic or industrial waste of any kind; and,

(v) to cease using the land or structure for the dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind; and,

(vi) to cover over, screen, shield or enclose the garbage, refuse or the domestic or industrial waste in the manner prescribed by the Commissioner or Inspector; and,

(vii) Every Order sent by the Commissioner or Inspector, shall identify the land or structure; and,

(b) That the appropriate By-law be enacted by Council.

**(b) Community Heritage Program - 235 Locke St. N**

The Committee was in receipt of a report dated 1995 May 9 from the Building Commissioner respecting the above noted matter. After consideration, the Committee approved the following:

That the total outstanding Community Heritage Loan for Mr. C. Kopriva, 235 Locke Street North, Hamilton, in the amount of six thousand, four hundred and eighty-one dollars and twenty cents ($6,481.20) be placed on the tax rolls.

**(c) Barton Street Revitalization - Committee of Adjustment and Property Reports**

The Committee was in receipt of a report dated 1995 May 15 from the Building Commissioner respecting the above noted matter.

After consideration, the Committee approved the following:

That the Building Commissioner be directed to waive the requirement of charging administration fees for Committee of Adjustment applications and Property Reports in relation to the implementation of the Barton Street Redevelopment Program for the area described under By-law No. 87-178, Barton East #1 BIA. This directive shall expire 1997 December 31.

Alderman Copps was recorded as opposed.

8. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The Committee was in receipt of the minutes of the Planning and Development Committee dated 1995 May 3 and May 9 which were adopted as presented.

B. BUILDING COMMISSIONER

**Demolition Permit - 514-516 Burlington St East**

The Committee was in receipt of a report dated 1995 May 15 from the Building Commissioner respecting the above noted matter.

After consideration, the Committee approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 514-516 Burlington Street East, in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

## C. CHIEF ADMINISTRATIVE OFFICER/DIRECTOR OF PLANNING

### (i) Authorization for Staff Attendance at an Ontario Municipal Board Hearing

The Committee was in receipt of a report dated 1995 May 16 respecting the above noted matter and approved the following:

That the appropriate staff (eg. Law and Planning Departments) be authorized to attend the Ontario Municipal Board hearing regarding an appeal to the Committee of Adjustment decision to deny Application No. A-95-57, respecting property located at No. 187 Napier Street.

### (ii) Site Plan Control Application DA-95-14 for a parking lot at 412 Charlton Avenue West

The Committee was in receipt of a report dated 1995 April respecting the above noted matter and approved the following:

That Site Plan Control Application DA-95-14 by Roland P. Baldessarini, owner of lands at 412 Charlton Avenue West, as shown on the attached map, for development of a parking lot, be DENIED on the basis that the proposed development is not permitted by the zoning regulations.

### (iii) Request for removal of a Holding Provision - 1010-1024 Upper Wentworth Street (ZAR-95-17)

The Committee was in receipt of a report dated 1995 May 15 from the Director of Planning and the Chief Administrative Officer respecting the above noted matter and approved the following:

(a) That approval be given to Zoning Application ZAR-95-16, 891157 Ontario Limited (R. Yates), owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act, to permit commercial development including a restaurant use, for property located at No. 1010-1024 Upper Wentworth Street, as shown on the attached map marked as Appendix "O". The 'H' - Holding provision was placed on the subject lands conditional upon the applicant/owner receiving Site Plan approval, and receiving approvals and amendments for access to the lands from Regional Council, as required by the Regional Roads Department, which conditions have now been satisfied; and,

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-laws No. 85-171 and No. 93-145, and Zoning District Map E-18A, in a form satisfactory to the City Solicitor, for presentation to City Council.

## D. CITY ENGINEER/DIRECTOR OF PROPERTY

### Cash-in-Lieu of Parkland Dedication for "Wisemount Estates - Phase 7"

The Committee was in receipt of a report dated 1995 May 11 from the City Engineer/Director of Property respecting the above noted matter and approved the following:

That the City of Hamilton accept the sum of $115,225.00 as a cash payment in lieu of the 5% land dedication in connection with Wisemount Estates - Phase 7, Hamilton, located in the Lisgar Neighbourhood on the west side of Upper Kenilworth Avenue, between Landron Avenue and Limeridge Road East, being the cash payment required under Section 51.1 of the Planning Act.

E. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

**Information Items**

The Committee was in receipt of a report dated 1995 May 17 from the Secretary, Planning and Development Committee respecting the above noted matter and approved the following:

That the following information item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

Information reported dated 1995 May 15 from the Chief Administrative Officer/Director of Planning and Development re: approved site plan control application.

9. **PRIVATE AND CONFIDENTIAL AGENDA**

AA. **DIRECTOR OF PROPERTY**

**66-68 King Street East, Victoria Hall/MacKay Buildings (Foster Building)**

The Committee was in receipt of a private and confidential report dated 1995 May 9 from the Director of Property respecting the above noted matter and approved the following:

That the City of Hamilton not accept the counter Offer to Purchase in the amount of $689,000 for the property at 66-68 King Street East (former Foster Building) and that the City take no further action with respect to purchasing this property.

10. **OTHER BUSINESS**

The Chairperson was in receipt of a letter from Betty Carter respecting Cathedral Boys High School which the Committee received for information.

11. **ADJOURNMENT**

There being no further business the meeting then adjourned.

**Taken as read and approved**

**Alderman Don Drury, Chairperson**
**Planning and Development Committee**

**Stella Glover**
**Secretary**

/cm

1995 May 24

# CITY OF HAMILTON

## - RECOMMENDATION -

B (i)

**DATE:** 1995 June 9

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** L.C. King, P. Eng.
Building Commissioner

**SUBJECT:** Demolition of:
35 DICKSON STREET
(95.1.1.A)

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 35 Dickson Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

| | |
|---|---|
| PRESENT ZONING: | K/S-727 |
| PRESENT USE: | Single Family Dwelling |
| PROPOSED USE: | Burlington Street Widening Project |
| BRIEF DESCRIPTION: | Owner wishes to demolish two storey frame dwelling for road widening. No LACAC interest. Lot size 20' x 93'. |

The owner of the property as per the demolition permit is:

Regional Municipality of Hamilton-Wentworth

SH/zr

B (ii)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 June 9

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** L.C. King, P.Eng.
Building Commissioner

***SUBJECT:*** Commercial Loan Programme
35 King Street East (95.2.4.2.1.A)

***RECOMMENDATION:***

That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Park Place Partnership for improvements to 35 King Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*** N/A

***BACKGROUND:***

The owners of 35 King Street East have applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Downtown Hamilton Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to Park Place Partnership for improvements to 35 King Street East in the amount of $25,000. The loan will be amortized over a 10 year period at 4 1/2 per cent interest. The monthly payments will be $259.14 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department
Downtown Hamilton B.I.A.

B(iii)

CITY OF HAMILTON

- RECOMMENDATION -

***DATE:*** 1995 June 9

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** L.C. King, P.Eng.
Building Commissioner

***SUBJECT:*** Commercial Loan Programme
213 - 217 Ottawa Street North (95.2.4.2.1.A)

***RECOMMENDATION:***

That a Commercial Loan in the amount of thirty seven thousand, two hundred and thirty-six dollars ($37,236.) to 914914 Ontario Inc., operating as Fred Gregory Florist, for improvements to 213, 215, 217 Ottawa Street North be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*** N/A

***BACKGROUND:***

The owner of 213-217 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department, therefore, recommends the approval of a Commercial Loan to 914914 Ontario Inc., for improvements to 213-217 Ottawa Street North in the amount of $37,236. The loan will be amortized over a 10 year period at 4 1/2 per cent interest. The monthly payments will be $385.97 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department
D. Powers, Law Department
Ottawa Street B.I.A.

B (iv)

CITY OF HAMILTON

- RECOMMENDATION -

***DATE:*** 1995 June 14

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Len King, P. Eng.
Building Commissioner

***SUBJECT:*** Commercial Loan Program
470 Barton Street East (95.2.4.2.1.A)(95.2.14)

***RECOMMENDATION:***

That a Commercial Loan in the amount of twenty one thousand, and forty-four dollars ($21,044.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over ten years, and;

That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, five hundred and twenty-two dollars ($10,522.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*** N/A

***BACKGROUND:***

The owner of 470 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

.../2

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to John Hilger for improvements to 470 Barton Street East. The loan in the amount of $21,044. will be amortized over a ten year period at 4 1/2 percent interest. The monthly payments will be $218.13 and will be secured by a promissory note and a lien registered on title.

LCK/JAG/dc

c.c. R. Camani, Treasury Department

B (v)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 June 13

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Len King, P. Eng.
Building Commissioner

***SUBJECT:*** Commercial Loan Program
228 Barton Street East (95.2.4.2.1.A)(95.2.14)

***RECOMMENDATION:***

1. a) That a Commercial Loan in the amount of five thousand ($5,000.) to Kenesky Sports & Cycle for exterior storefront inprovement to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

2. a) That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Kenesky Sports & Cycle Co. Ltd., for rehabilition to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

   b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

.../2

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:* N/A

***BACKGROUND:***

The owner of 293 Barton Street East has applied for assistance under the City of Hamilton's Commercial Loan Program. As per the terms of the Program, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Barton General Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of both a grant and a Commercial Loan to Keith and Margaret Cody for improvements to 293 Barton Street East. The loan in the amount of $25,000. will be amortized over a 10 year period at 4 1/2 percent interest. The monthly payments will be $259.14 and will be secured by a promissory note and a lien registered on title.

LCK/JAG/dc

c.c. R. Camani, Treasury Department

B (vii)

# CITY OF HAMILTON
## - RECOMMENDATION -

***DATE:*** 1995 June 12

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Len King, P. Eng.
Building Commissioner

***SUBJECT:*** City of Hamilton Heritage Programme
112 Aberdeen Avenue (95.2.4.2.1.A)

***RECOMMENDATION:***

1. That the Building Department be authorized and directed to process an increase of $2,590. in the loan to Keltie Lynn Law of 112 Aberdeen Avenue under the Community Heritage Trust Fund, from the previously approved amount of $2,789. to $5,379. which loan shall have an interest rate of 3 1/2% amortized for ten years with two 5 year terms, and;

2. That the Building Department be authorized and directed to process an increase of $410. in the Designated Property Grant to Keltie Lynn Law, of 112 Aberdeen Avenue from the previously approved $2,590. to $3,000.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*** N/A

***BACKGROUND:***

Designated Property Grants are funded by the Provincial Ministry of Culture, Tourism and Recreation. The Community Heritage Trust Fund was established by the City and the Province as a municipally administered low interest loan programme; both provide assistance to owners of properties designated under the Provincial Heritage Act. 112 Aberdeen Avenue was designated under the Act on October 31, 1989. The Provincial Act also permits the designation of Heritage Districts.

The owner of the property has applied and received approval under the terms of the above programs to effect the pointing of masonry. City Council at its meeting held 1994 December 13 approved in the total amount of $5,379. Since that time, additional work costing $3,000. has been deemed necessary to properly complete the project for a new total cost of $8,379.

The Building Department, therefore, recommends that a Community Heritage Trust Fund Loan in the new total amount of $5,379. be approved. The monthly payments will be $53.20 amortized over a ten year period. The Department also recommends that a Designated Property Grant in the new total amount of $3,000. be approved.

LCK/MM/dc

c.c. R. Camani, Treasury Department

C

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 13

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Doug Lobo
Commissioner of Public Works and Traffic Department

*SUBJECT:* Seventh Annual Public Service Announcement Competition; Phase IV of the Downtown Hamilton Action Plan.

*RECOMMENDATION:*

1. That the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

   First Prize: Richard Belletti
   Second Prize: Jane Hicks
   Third Prize: Sandra McCallum

2. That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $700., second prize at $500., and third prize at $300., and a donation to Mohawk College Media Studies Department of $1,500. for development of the videos and use of equipment.

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698-428803006.

*BACKGROUND:*

In co-operation with Mohawk College Media Studies Department and CHCH-TV Channel 11, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Program since 1989. The theme for the Public Service Announcements is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on CHCH-TV Channel 11 on a regular basis. A strong partnership between Hamilton City Council, the Keep Hamilton Clean Committee, the Mohawk College Media Studies Department and CHCH-TV Channel 11 has proven to be extremely successful in providing the public with this message.

City Council at its meeting held 1995 January 25 approved the 7th Annual Public Service Announcement Competition in the amount of $3000. Subsequently scripts and videos were prepared by Mohawk College Media Broadcasting students which were reviewed by Public Works Staff and the Keep Hamilton Clean Committee to identify the winning videos as detailed in the above recommendation.

HM:hm

c.c. Alderman Wm. McCulloch
Chairman, Business Improvement Area & Business Association Co-ordinating Committee

Mr. K. Wallis, Media Studies Department, Mohawk College

Mr. B. Janes, CHCH-TV Channell 11

Mr. R. Volterman, Chairman Keep Hamilton Clean Committee

Mr. A. Ross, City Treasurer
Attn: Mr. B. Hill, Senior Accountant II
Treasury Department

D.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 June 6
E205-05, C. A. Unelli

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.
Senior Director
Roads Department

**SUBJECT:** **Final Lot Grading and Sodding Contract for Various Subdivisions During 1995**

**RECOMMENDATION:**

a) That the Purchasing Manager be authorized and directed to issue purchase orders to Crescan Landscape Ltd., P.O. Box 4056, Station D, Hamilton, on behalf of the Treasury and the Building Departments, based on prices Quotation C18-1-95 and revised prices as indicated in their letter dated May 17, 1995, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090.

b) That recommendation Item #9 of the 13th. report of the Planning and Development Committee as approved by City Council on May 9, 1995 be rescinded.

Ted Gill
E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

cont'd...

**Final Lot Grading and Sodding Contract
for Various Subdivisions During 1995**

cont'd...

BACKGROUND:

On May 9, 1995 City Council approved Item #9 of the 13th. report of the Planning and Development Committee which stated:

> "That a purchase order be issued to Crescan Landscape Contractors, Mount Hope, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090".

Since the contractor was not issued a purchase order by the City within the required sixty day period after the tender closed, they were not required to hold their prices as quoted in their tender. The contractor advised us on May 17, 1995 (copy of letter attached) that their cost for materials for three items had increased slightly as noted below. In addition, they advised us that the company has now been incorporated and their new name is Crescan Landscape Ltd.

Item 1. Final lot grading including supply and placement of 100mm topsoil, including removal of debris if necessary;

Was $1.98, increased to $2.04 per square metre.

Item 2. Supply and place No. 1 nursery sod including 100mm topsoil;

Was $4.08, increased to $4.20 per square metre.

Item 3. Supply and place 100mm topsoil;

Was $1.94, increased to $2.00 per square metre.

Since the price increases are nominal and do not change the fact that this contractor's prices remain the lowest of all the bids previously received, we are recommending that the City issue purchase orders on behalf of the Treasury and Building Departments to Crescan Landscape Ltd. to perform remedial grading in subdivisions as required.

cont'd...

**Final Lot Grading and Sodding Contract
for Various Subdivisions During 1995**

cont'd...

The costs of remedial work by an outside contractor are recoverable from the subdivider. Failure of the subdivider to pay for the costs of remedial work would result in the City recovering the costs from the subdivision security on hand.

CAU
attach.

cc: Mr. L. C. King, Building Department
cc: Mr. B. Allick, Building Department

'FAXED'

**crescan landscape ltd.**

p.o. box 4056, stn. d., hamilton, ontario L8V 4L5 ▪ (905) 679-1100
FAX: (905) 679-0353

MAY 17/95

Corp. of the City of Hamilton
71 MAIN ST. W
HAMILTON, ONT.

Purchasing Dept.
Bonnie Turnbull

Re: C18-1-95 Final Lot GRADING AND SODDING,...

Crescan Landscape Contractors has been incorporated. The new name is as above, the address, telephone and other information provided has not changed.

As you are aware this tenders closed FEB. 17, 1995. The time open for acceptance as stated in your document was sixty days. We received your confirmation May 16/95. While we were not asked if we could hold our prices for 90 days, we feel the bid pricing was good. We can and will hold our quoted prices on all items bid except Items# 1, 2, and 3. As of May 1/95 our suppliers increased their price to us. The increases per meter are minimal and reflect only our increased cost on the material.

Item 1. - Final lot grading including 100mm topsoil - increase .06/$m^2$
2. - Nursery Sod + Topsoil - - - - - - - - - - - - increase .12/$m^2$
3. Supply + place 100mm topsoil - - - - - - - increase .06/$m^2$

Trusting this meets with your approval and looking forward to working for the City, I remain

Yours truly

E.

# CITY OF HAMILTON

## -RECOMMENDATION-

**DATE:** 1995 June 15

**REPORT TO:** Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **Information Item**

**RECOMMENDATION:**

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report dated 1995 June 6 from the Director of Planning and Development respecting Approved Site Plan Control Applications

Stella Glover

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.

URBAN/MUNICIPAL
CA4 ON HBL A05
C SIP4
1995

Ken Roberts
C.E.O. Hamilton Public Library
2nd floor

# NOTICE OF MEETING

## PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL
JUL 3 1995
GOVERNMENT DOCUMENTS

**Wednesday, 1995 July 5th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

**Stella Glover, Secretary**
**Planning and Development Committee**

## AGENDA

**PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

1. Zoning Application 95-10, by 90074 Ontario Inc. (Roy Yates), owner and prospective owner, for: Block "1" change in zoning from "C" District to "G" District, modified; Block "2" change in zoning from "AA" District to "G" District; Block "3" change in zoning from "AA" District to "RT-30" District, for lands located at 1451 - 1471 Upper James Street.

   (a) Submission - Mary Lou Dickson, 1428 Upper James Street
   (b) Submission - Robert C. Dickson, 1428 Upper James Street

2. **RENTAL HOUSING PROTECTION ACT - 9:30 A.M.**

   (a) Application CD-95-006 - 293 Mohawk Road East
      (i) Submission - Charles Biebuyck, 293 Mohawk Road East #201

   (b) Application CD-95-009 - 30 Summit Avenue
      (i) Submission - Roger Fleet, 30 Summit Avenue #702

   (c) Application CD-95-008 - 141 Catharine Street South

3. **DELEGATION**

Jack Harvey - Request for removal of Heritage Designation - Victoria Hall/Mackay Building (the Foster Building) (no copy)

4. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT**

Project Status Update for Official Plan Amendment No. 130: Albion Falls Neighbourhood

5. **BUILDING COMMISSIONER**

Permits for Replacement of Furnaces

6. **REFERRAL FROM TRANSPORT AND ENVIRONMENT COMMITTEE**

Greeningdon Neighbourhood - Closure of Ridge Street North of Limeridge Road

7. **CONSENT AGENDA**

8. **PRIVATE AND CONFIDENTIAL AGENDA**

9. **OTHER BUSINESS**

10. **ADJOURNMENT**

# PLANNING AND DEVELOPMENT COMMITTEE

## OUTSTANDING LIST

| No. | Item | Original Date | Action | Status |
|---|---|---|---|---|
| 1. | Mobile Signs | | Planning | Report Pending |
| 2. | Definition of "Foster Home" and "Residential Care Facility" | 1992 November 18 | Alderman T. Cooke | Planning & Building Departments to prepare a report |
| 3. | Mayor's Task Force on Downtown Issues | 1994 April 16 | Various Departments | Reports forthcoming to Committee. |
| 4. | ZA-93-47<br>200 Rymal Road East | 1994 April 20 | Applicant | Tabled to allow applicant to resubmit amended application. |
| 5. | Site Plan Control Application DA-92-13, 95 Mary Street | 1994 June 22 | Staff to meet with Applicant to determine acceptable option | Tabled |
| 6. | ZAC-93-42 - Rear of 1094 Upper Sherman Avenue - By-law to be held in abeyance | 1994 July 20 | O.M.B. | Tabled Awaiting Decision re: ZAC93-43, Front of 1094 Upper Sherman Avenue |
| 7. | ZA-94-11, Ray Gordon Smith 1500 and 1502 Main Street East | 1994 August 24 | Staff, applicant and residents to resolve concerns | Tabled - to be recirculated if application is modified |
| 8. | ZAC-94-19 and Draft Plan of Subdivision 25T-94004 - Chedoke Health Corporation | 1994 October 5 | | Tabled at applicant's request to resolve outstanding issues |
| 9. | Westdale Village B.I.A. - Redevelopment of Traffic Islands into Planting Islands located on the north and south sides of King Street West between Paisley Avenue and Marion Avenue | 1994 December 7 | Public Works and Traffic | Staff to report back on total costs for the reconstruction of the traffic islands |

# CITY OF HAMILTON

## - RECOMMENDATION -

1.

***DATE:*** June 27, 1995
ZAC-95-10
Ryckmans Neighbourhood

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

Mr. J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Request for a change in Zoning - Nos. 1451-1471 Upper James Street.

***RECOMMENDATION:***

A. That approval be given to amended Zoning Application 95-10, 90074 Ontario Inc., (Roy Yates), owner & prospective owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G"- 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified, for Block "1", from "AA" (Agricultural) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified for Block "2", and from "AA" (Agricultural) District to "RT-30" -'H' (Street Townhouses - Holding) District for Blocks "3", to permit development of the subject lands for a commercial plaza (Blocks "1"& "2") and street townhouses (Block "3"), for the property located at 1451-1471 Upper James Street, shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

a) installation of municipal storm and sanitary sewers, and water services for Block "3" of the subject lands as the City deems necessary; and,

b) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1" & "2";

Removal of the holding restriction shall be conditional upon the installation of all municipal services for Block "3" and completion of Site Plan Control Approval for Blocks "1" & "2". City Council may remove the 'H' symbol, and thereby give effect to the "G" & "RT-30" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once the conditions are fulfilled;

ii) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" - 'H'(Neighbourhood Shopping Centre, etc. - Holding) District;

iv) That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" - 'H'(Street Townhouse - Holding) District;

v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

a) That notwithstanding Section 13. (1), the following additional commercial uses shall be permitted:

1. A liquor dispensary;
2. A brewer's retail store; and,
3. A video store.

b) That notwithstanding Section 13.(3)(i), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block "1";

c) That notwithstanding Section 13.(3)(ii), a side yard of a depth of not less than 6.0 m shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2";

d) That notwithstanding Section 13.(1)(xv) of Zoning By-law No. 6593, only one (1) business identification sign that is ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street streetline shall be permitted;

e) That notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;

f) That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

g) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire westerly boundary of Block "1", except for any area used for driveway access;

h) That a minimum 3.0 m wide planting strip shall be provided and maintained along the entire southerly boundary of Blocks "1" & "2", except for any area used for driveway access;

i) That a planting strip not less than 3.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire easterly lot line of Block "2";

vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-9D be notated S- ;

vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

viii) That the approved Ryckmans Neighbourhood Plan be amended by redesignating Block "3" from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING" upon finalization of the implementing By-law;

ix) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

B. That the following Council resolutions be repealed in their entirety:

a) Section 27 of the Sixteenth Report for 1990 of the Planning and Development Committee for a change in zoning for property located at 1451, 1459, 1465 and 1469 Upper James Street; and,

b) Section 8 of the Eight Report for 1992 of the Planning and Development Committee for a change in zoning for property located at 1471 Upper James Street.

*EXPLANATORY NOTE:*

The purpose of the by-law is to provide for changes in zoning for lands located at 1451-1471 Upper James Street, as shown on the attached map, on the following basis:

Block "1"- Change in zoning from "C" (Urban Protected Residential, etc.) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified.

Block "2"- Change in zoning from "AA" (Agricultural) District to "G" - 'H' (Neighbourhood Shopping Centre, etc. - Holding) District, modified.

Block "3"- Change in zoning from "AA" (Agricultural) District to "RT-30" - 'H' (Street Townhouse - Holding) District.

The effect of the by-law is to permit future development of the subject lands for a retail commercial plaza (Blocks "1" & "2"), and Street Townhouses (Block "3"). In addition, the By-law provides for the following variances as special requirements:

- permits the following additional commercial uses:

  1. A liquor dispensary;
  2. A brewer's retail store; and,
  3. A video store.

- permits a minimum front yard of 6.0 m (20 feet) along the westerly lot line of Block "1" whereas 24.0 m (80 feet) is required;

- requires a minimum side yard of 6.0 m (20 feet) along the southerly lot line of Blocks "1" and "2" whereas 3.0 m (10 feet) is required;

- permits only one (1) business identification sign that is ground sign having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metre per 0.5 metres of street frontage of the lot, and shall be located not less than 4.5 m from the Upper James Street streetline;

- permits one (1) directional sign at each point of ingress and egress, and each sign shall not exceed 1.2 square metres (12.92 square feet) in size, whereas no signs are permitted in the required landscape area;

- requires signs to be illuminated with a source of light that is steady and suitably shielded to contain the illumination;

- requires a landscape area not less than 6.0 m (20 feet) wide along the entire westerly boundary of Block "1", except for the area used for access driveways;

- requires a planting strip not less than 3.0 m (10 feet) wide along the southerly boundary of Blocks "1" and "2", except for the area used for access driveways;

- requires a planting strip not less than 3.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height along the easterly lot line of Block "2", where the lot adjoins a residential district, whereas the By-law only requires a 1.5 m wide planting strip and visual barrier 1.2 m to 2.0 m in height.

In addition, the amending By-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until:

- installation of municipal storm and sanitary sewers, and water services for Block "3" of the subject lands as the City deems necessary; and,

- the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1" & "2";

Removal of the holding restriction shall be conditional upon the installation of all municipal services for Block "3" and completion of Site Plan Control Approval for Blocks "1" & "2". City Council may remove the 'H' symbol, and thereby give effect to the "G" & "RT-30" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once the conditions are fulfilled.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

*BACKGROUND:*

- Proposal

The applicant is requesting a rezoning for 1451-1471 Upper James Street. The purpose of the application is to permit a commercial development (Blocks "1" & "2") and Street Townhouses (Block "3") on the subject lands. The applicant has submitted a preliminary site plan (see Appendix "B') which shows a comprehensive development scheme of Blocks "1" & "2" to the proposed mid-block collector road Regina Drive.

- ZA-90-13

The Planning and Development Committee, and City Council at their meetings of September 19, 1990, and September 25, 1990, respectively, approved Zoning Application 90-13, to permit future development of the lands, known as 1451, 1459, 1465, and 1469 Upper James Street, as a neighbourhood shopping centre in conjunction with the adjoining lands to the south and single-family dwellings to the east ("C" - District pending finalization of the By-law).

Approval was conditional upon the applicant assembling lands to the south, approval of a site plan including lands to the south, and establishing mutual right-of-way agreement(s) in favour of the owner(s) of 1471 Upper James Street.

- ZA-90-61

The Planning and Development Committee, and City Council at their meetings of April 22, 1992, and April 28, 1992, respectively, approved Zoning Application 90-61, to permit future development of the lands, known as 1471 Upper James Street, as a neighbourhood shopping centre in conjunction with the adjoining lands to the north.

Approval was conditional upon the applicant assembling and appropriately rezoning lands to the south, approval of a site plan including lands to the south, and establishing mutual right-of-way agreement(s) in favour of the owner(s) of lands to the north known as 1451-1469 Upper James Street.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to these guidelines the lands are designated to be a mid-block node/village (see Appendix "C") for which the following policies are applicable:

"The permitted uses will include neighbourhood-based retail and service uses to serve the adjacent residential areas, possibly in combination with retail/warehouse or residential uses.

This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.

The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.

The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

The depth of these areas will be approximately 130 m (425 feet) with approximately 90 m (300 feet) of frontage on both the north and south sides of the mid-block intersection."

***LOT SIZE AND AREA:***

Blocks "1" & "2"

- 102.0 m (334.64 ft.) of lot frontage on Upper James Street;
- 137.0 m (449.0 ft.) of lot depth; and,
- 15,253 $m^2$ (3.7 acres) of lot area.

Block "3"

- 120.0 m (393.0 ft.) of lot frontage on Dicenzo Drive;
- 30.8 m (101.0 ft.) of lot depth; and,
- 3565.0 $m^2$ (38,374.59 sq. ft.) of lot area.

***APPLICANT:***

90074 Ontario Inc., (Roy Yates), owner and prospective owner.

*LAND USE AND ZONING:*

| | Existing Land Use | Existing Zoning |
|---|---|---|
| Subject Lands | Vacant | "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District |
| Surrounding Lands | | |
| to the north | Commercial | "HH" (Restricted Community Shopping and Commercial, etc.) District, Modified |
| to the south | Commercial | "G" (Neighbourhood Shopping Centre, etc.) District, Modified |
| to the east | Vacant | "C" (Urban Protected Residential, etc.) District (pending finalization of By-law). |
| to the west | Single-Family Dwellings | "C" (Urban Protected Residential, etc.) District |

*OFFICIAL PLAN*:

The portion of the subject lands fronting on Upper James Street is designated ***"Commercial"*** while the rear portion is designated ***"Residential"*** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities."

The commercial component of the proposal is also located within Special Policy Area 31c on Schedule B - Special Policy Areas of the Official Plan. Accordingly, the following policies of Subsection A.2.9.3 - Other Policy Areas should also be noted:

"A.2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).

iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:

a) minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;

b) providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,

c) ensuring in AREAS 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting Neighbourhoods and, continuous pedestrian linkage between commercial developments.

v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be

encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architectural quality and design, and landscaping."

The rear portion of the property (Block "3") which is designated "Residential", is subject to the following policies of Subsection A.2.1 - Residential Uses and Subsection C.7 - Residential Environment and Housing Policy:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the

existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents, and;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents."

It should be noted that a portion of Block "2" the proposed Commercial Block is located along the boundary of two land use classifications. In this the regard, the following policy of Subsection D.8 - Interpretation should be noted:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as any other boundaries indicated on Schedules "B", "B-1", "B-2", "B-3", "C", "D", "F", "G" and "H" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

The proposal does not conflict with the intent of the Official Plan.

***NEIGHBOURHOOD PLAN:***

The lands are designated "NEIGHBOURHOOD COMMERCIAL" (Blocks "1"&"2") and "LOW DENSITY APARTMENTS" (Blocks "3") on the approved Ryckmans Neighbourhood Plan. If approved, the proposal would require a neighbourhood plan amendment to redesignate Block "3" from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING".

***RESULTS OF CIRCULARIZATION:***

- The following Departments and Agencies have no comment or objections:

  - Hamilton Region Conservation Authority; and,
  - Union Gas.

- The Building Department has reviewed the application and has forwarded the following comments:

"1. A pylon sign is not permitted in this district.

2. We recommend that the "pylon sign" be setback a minimum 3.0 m from the front property line.

3. The height of the sign shall not exceed one (1) storey.

4. A shopping centre identification sign is permitted in Section 13A of Zoning By-law 6593. We recommend that the requirements of Section 13A(1)(xii) be applied to the proposed sign.

5. If Upper James is to be considered as front yard, a 24.0 m setback required. If Regina Drive is to be considered as the front yard, a 12.0 m front yard setback is required.

6. A rear yard setback of 4.5 m is required.

7. The total gross floor area of the building has not been indicated on the plan. The parking and loading requirements of Section 18A of Zoning By-law 6593 are applicable."

- The Traffic Department has reviewed the application and has forwarded the following comment:

"The applicant should be advised that Upper James Street is a restricted access roadway. All accesses to Upper James Street will be scrutinized."

- The Hamilton-Wentworth Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available on Upper James Street to service Blocks "1" and "2". Block "3" must await future servicing from the future extension of Dicenzo Drive.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated

to the Region to establish the road allowance widening 18.29m from the centreline of the original Upper James Street road allowance.

Any work which may occur within the Upper James Street road allowance, as widened, or Regina Drive road allowance must conform to the respective Street/Roads Use By-Law.

Any new access requires an Approach Approval from the City of Hamilton Traffic Department. For the information of the applicant/owner, Upper James Street is a restricted access roadway.

We will recommend as a condition of site plan approval that the applicant/ owner enter into a Modified Servicing Agreement with the Region and a Modified Subdivision agreement with the City of Hamilton to ensure the construction of Regina Drive and Street "C", a shown on the submitted draft plan of subdivision for "Setay Estates." "

*COMMENTS:*

1. The proposal complies with the intent of the Official Plan.

2. The proposal would require a neighbourhood plan amendment to redesignate Block "3" from "LOW DENSITY APARTMENTS" to "ATTACHED HOUSING" on the approved Ryckmans Neighbourhood Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it implements the general intent of the approved Ryckmans Neighbourhood Plan;

   ii) it would be compatible with the existing and proposed development in the area;

   iii) the requested zoning is appropriate for the subject development; and,

   iv) it is consistent with previous approvals (ZA-90-13, ZA-90-61) and allows for comprehensive development; and,

   v) the proposed street-townhouses (Block "3") are consistent with the existing street townhouses to the north and provide a transition from the proposed commercial development to the west (Blocks "1" and "2") and the future single-family dwellings to the east.

4. Given the Roads Department's comments regarding the availability of municipal services and matters to be addressed under the Site Plan Control Application related to the "Urban Design Guidelines for Upper James Street Corridor", it is appropriate to apply the holding provisions of the Planning Act, R.S.O., to the subject lands. Removal of the holding symbol should be conditional upon the installation of all municipal services for Block "3" and completion of Site Plan Control Approval for Blocks "1" & "2".

5. The Building Department has reviewed the site plan submitted (see Appendix "B") with the application and has noted that the following variances are required:

i) Front Yard (Section 13.(3)(i)) - Block "1".

The applicant has shown buildings (Building "A" & "C") on the subject land with a proposed front yard setback of 6.0 whereas a 24.0 m front yard setback is required due to the established front yard of the commercial property immediately to the north. Generally the 24.0 m setback is required along Upper James Street north and south of the Mid-Block Collector (Regina Drive). However, since the proposed 6.0 m setback is consistent with the intent of Urban Design Guidelines for the Upper James Street Corridor at the Mid-Block Collector Road, the variance can be supported.

ii) Southerly Side Yard (Section 13.(3)(ii)) - Blocks "1" and "2".

The adjoining lands to the east (Block "3") are proposed to be "RT-30" (Street-Townhouse) District. The "G" District provisions require a side yard equivalent to that provided in any adjoining district. In this instance, this would require a minimum 3.0 m side yard along the entire southerly side lot lines. Since the applicant has proposed a minimum 6.0 m setback which is consistent with the intent of the Urban Design Guidelines for the Upper James Street Corridor and the Mid-block Collector, it would be appropriate to require a minimum 6.0 m southerly side yard as proposed.

iii) Business identification signs 13.(1)(xv)- Blocks "1" & "2".

One (1) business identification sign that is ground sign, has been proposed along Upper James Street. In order to minimize the effect on the adjacent residential uses (Block "3") on Regina Drive and reinforce the concept of a gateway to the residential neighbourhood, it is recommended that the only one (1) ground sign be 4.5 m from the Upper James Street West streetline, and be restricted to a vertical dimension of not more than 6.0 metres, and have an aggregate area of vertical projection of not

more than 1.0 square metre per 0.5 metres of street frontage of the lot. This restriction is typical of what is permitted in other similar zoning districts (i.e. "HH" - Districts to the north).

Furthermore, all signs should be illuminated with a source of light that is steady and suitably shielded to contain the illumination. One (1) directional sign shall be permitted at each point of ingress and egress not exceeding 1.2 square metres (12.92 square feet) in size, which is consistent with existing By-law regulations.

6. The following special provisions should be applied to implement the intent of the approved Ryckmans Neighbourhood Plan, in accordance with the Upper James Street Urban Design Guidelines and the Mid-Block Collector, and to mitigate potential negative spill over effects (eg. noise, headlight glare and sign illumination ) of the proposal on the adjacent residential districts:

- A minimum 6.0 m wide landscape area should be provided and maintained along the entire westerly lot line of Block "1", as proposed;

- A minimum 3.0 m wide planting strip should be provided and maintained along the southerly lot line of Blocks "1" & "2", as proposed; and,

- A planting strip not less than 3.0 m in width and a visual/acoustical barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly lot line, whereas the By-law requires a 1.5 m minimum planting strip and a visual barrier 1.2 m to 2.0 m in height, as proposed.

The above-mentioned special requirements will implement the intent of the approved Neighbourhood Plan.

7. The "G" (Neighbourhood Shopping Centre, etc.) District and "RT-30" (Street-Townhouse) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Matters related to the "Urban Design Guidelines for Upper James Street Corridor" (i.e. Building locations), road widenings, access, parking, loading, landscaping, grading, fencing, lighting, signs, etc. will be further reviewed at the site plan approval stage of development.

8. The applicant has assembled lands at Nos. 1451-1471 Upper James Street and submitted the subject application for comprehensive development of these lands. However, there are outstanding zoning applications (ZA-90-61 and ZA-93-13), with conditional approvals for

these lands which should be repealed as a matter of housekeeping. Thus, the following Council resolutions should be repealed in their entirety:

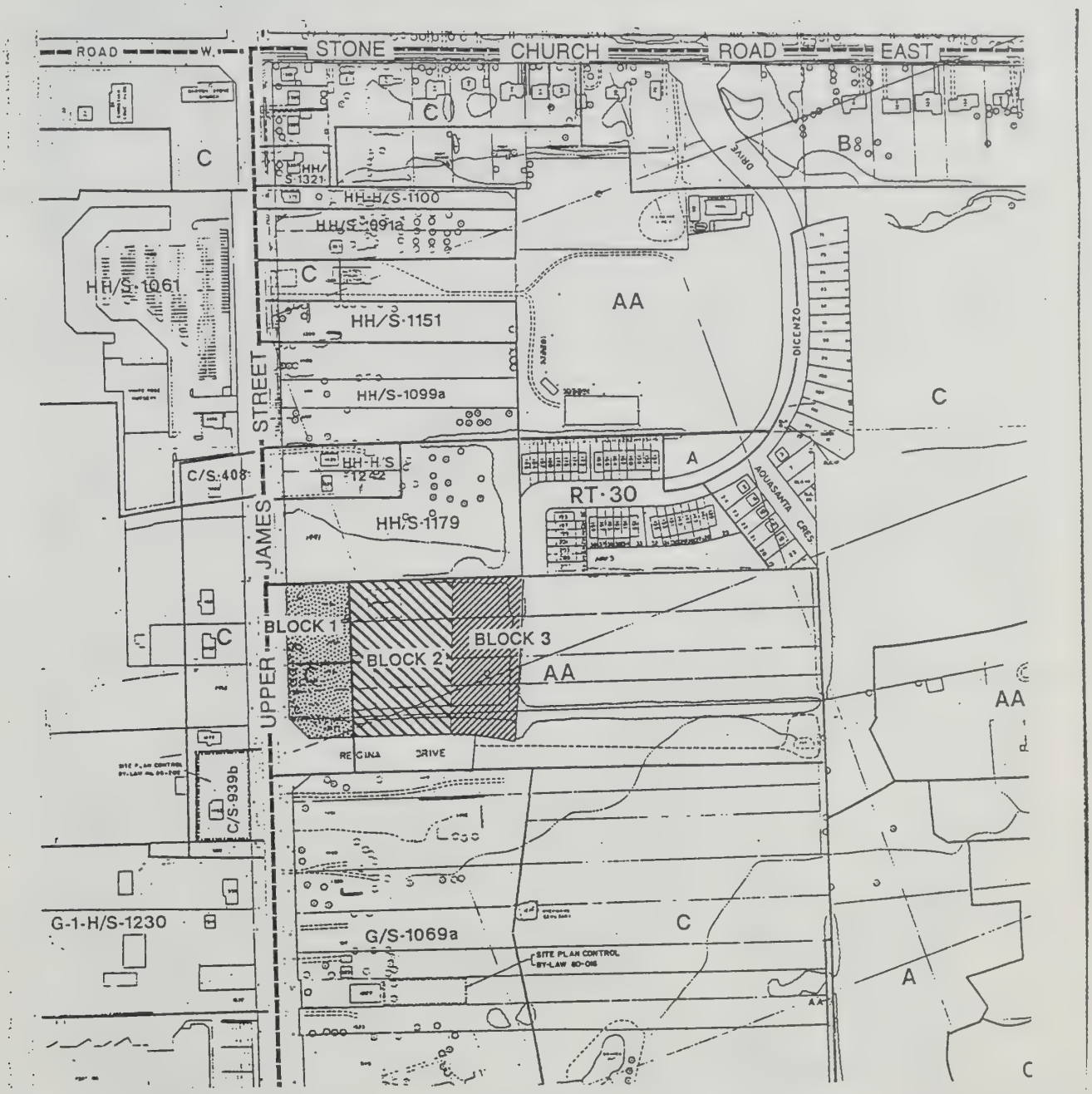
a) Section 27 of the Sixteenth Report for 1990 of the Planning and Development Committee for a change in zoning for property located at 1451, 1459, 1465 and 1469 Upper James Street; and,

b) Section 8 of the Eight Report for 1992 of the Planning and Development Committee for a change in zoning for property located at 1471 Upper James Street.

***CONCLUSION***

Based on the foregoing, the amended application can be supported.

JL:jl
ZAC9510




## Legend

ZAC-95-10

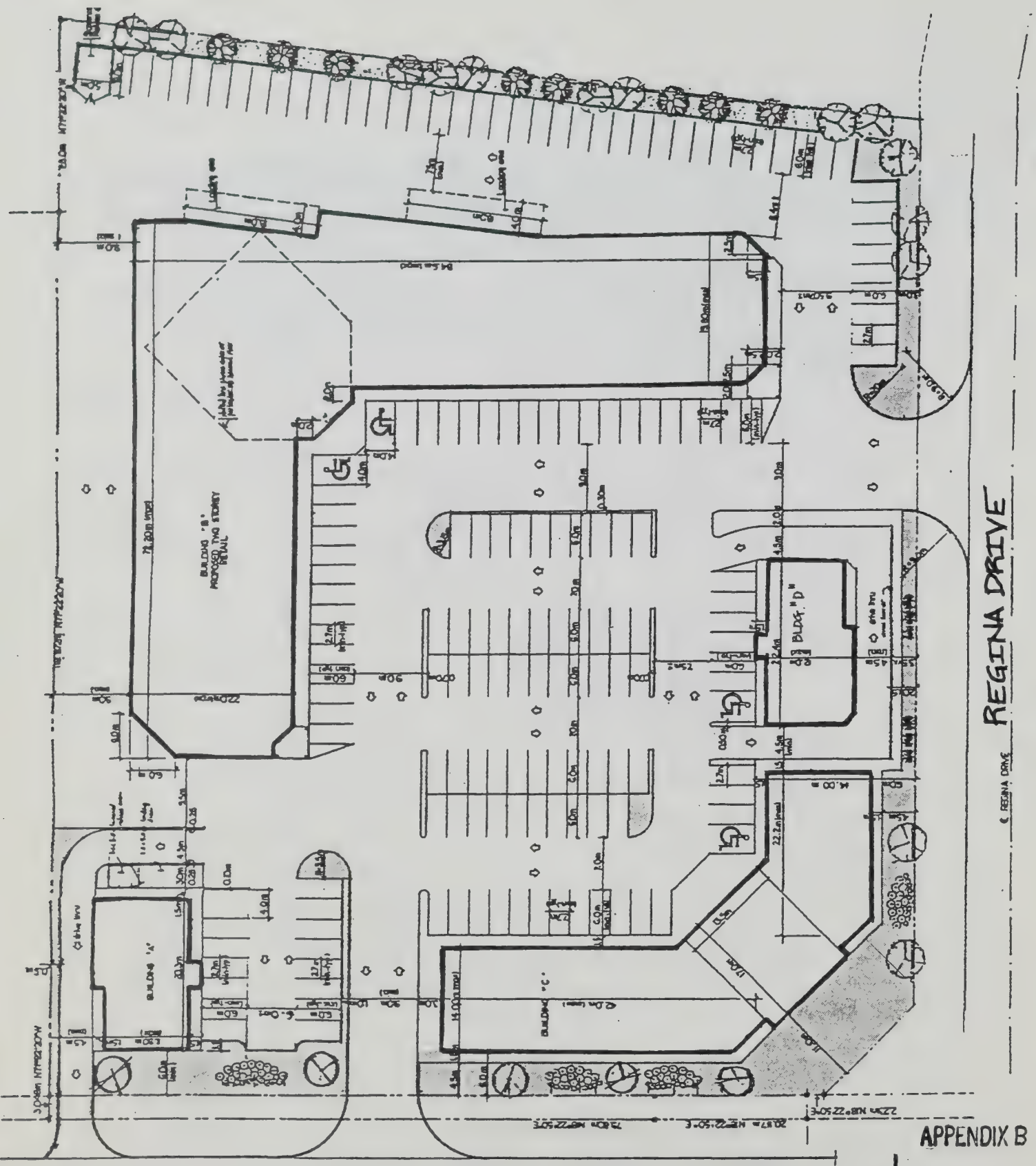
Proposed change in zoning from:

BLOCK 1 — "C" ( Urban Protected Residential, etc. ) District to "G" ( Neighbourhood Shopping Centre, etc. ) District, modified.

BLOCK 2 — "AA" ( Agricultural ) District to "G" ( Neighbourhood Shopping Centre, etc. ) District, modified.

BLOCK 3 — "AA" ( Agricultural ) District to "RT-30" ( Street Townhouse ) District.

APPENDIX A




APPENDIX B

SITE PLAN

SETAY INVESTMENTS

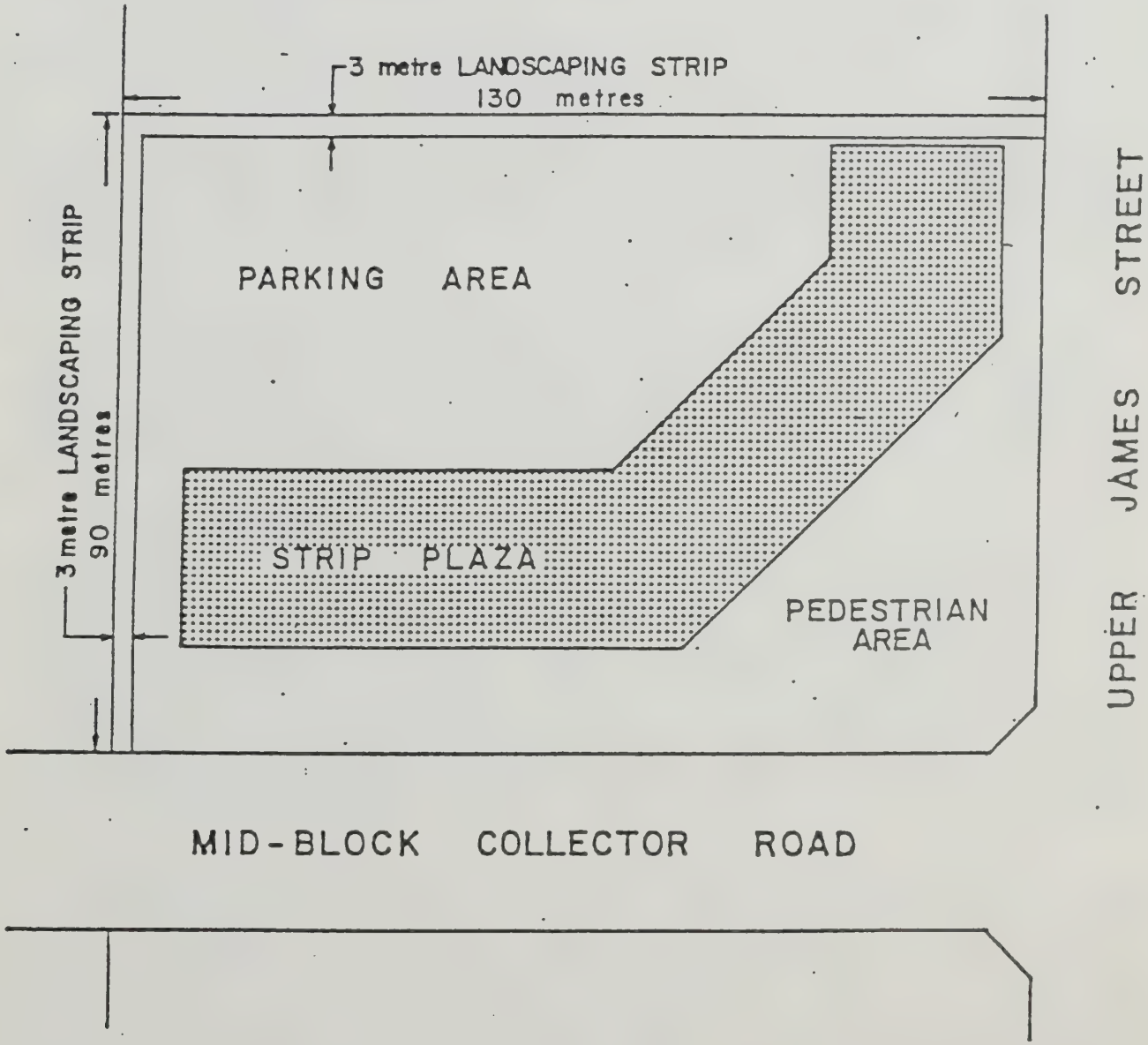
PROPOSED COMMERCIAL PROJECT
UPPER JAMES, HAMILTON

DeFILIPPIS DESIGN

# URBAN DESIGN GUIDELINES
## FOR
# UPPER JAMES STREET CORRIDOR

Example of Commercial Area Design for:

3) Neighbourhood Commercial



For Attention: V. Abraham, Director, Planning & Development Department
P. Noe Johnson, City Solicitor, Law Office - 1995 June 26 - Sec. P & Committee

ZAC 95-10
SEC-00091

JUN 26 1995

JUN 2 6 1995

(a

1428 Upper James St.,
Hamilton, Ontario
L9B 1K3
June 24, 1995

Planning and Development Committee,
The Corporation of the City of Hamilton,
Hamilton, Ontario L8N 3T4

Re: Department File ZAC 95 - 10

Dear Committee Members:

As owner of 1428 Upper James Street, I am writing to object to the proposed change in zoning for the property located at 1451 - 1477 Upper James Street. I do not believe that it is in the best interest of our neighbourhood or Hamilton as a whole to have a commercial plaza on this site.

I have followed the preparation of VISION 2020 and the subsequent attempts to implement its goals. The continued pattern of removing existing buildings and vegetation along Upper James and working the land into flat planes for asphalt and more commercial buildings seems to contradict many of the precepts of VISION 2020.

In the booklet, " Implementing Vision 2020-Directions for Creating a Sustainable Region", I have read that " the Economic Development Department should encourage new business development to locate in the existing built up area ". A second booklet " Implementing Vision 2020- Detailed Strategies and Actions for Creating a Sustainable Region" lists goals under " Land Use in the Urban Area ". Two of these goals are "1) to curb urban sprawl and suburban encroachment on to rural and agricultural lands and 2) to encourage redevelopment of Hamilton's central core as the regional centre". I do not think that building another commercial plaza on what is now partially agricultural land fits in with the VISION 2020 plan.

There are great areas of Hamilton that have been abandoned or are underutilized. Recently the provincial government pledged millions of dollars to help rejuvenate the inner city, particularly Barton Street. It seems to reflect poor planning if development is allowed to spread out along Upper James Street when other areas, already zoned commercial are not in use for that purpose. Areas closer than Barton Street, on the mountain, can be cited. Hamilton - Wentworth should be making every effort to encourage commercial enterprise in its core and other commercially designated areas and to facilitate easy access to these developments.

I also suggest that "strip malls" do not make for an attractive entrance way into the city. I have watched as the White Rose development has evolved and remember that in neighbourhood meetings with the developer it was established that there would be one permanent large sign on the property. At my last count, there was a clutter of eleven signs on the street. ( I must admit that only one was "permanent"). The proposed development would undoubtedly follow the same pattern and I don't want to watch that happen again.

I encourage you to be thoughtful and judicious in your deliberations regarding this rezoning request and ultimately deny the application.

Yours sincerely,

Mary Lou Dickson

Mary Lou Dickson

For Attention: V. Abraham, Director, Planning & Development Department
P. Noe Johnson, City Solicitor, Law Office - 1995 June 26 - Sec. P & Committee

ZAC 95-10
SEC-00092

JUN 26 1995

1(b)

JUN 26 1995

***Robert C. Dickson Ph.D., M.D.***

1428 Upper James Street
Hamilton, Ontario
L9B 1K3

June 22, 1995

Planning and Development Committee,
The Corporation of the City of Hamilton,
Hamilton, Ontario
L8N 3T4

Re: Application for Change in Zoning File # ZAC-95-10

Dear Sirs:

I am opposed to the application for several reasons:

(1) Further development of commercial properties on the Mountain will divert trade from the City core.

(2) There are already too many strip malls on Upper James, many with extensive unrented units.

(3) The series of strip malls with asphalt replacing grass and trees, is contributing to heat and air pollution.

(4) Aesthetically Upper James is becoming atrociously ugly as an entrance to the City. Every strip mall makes the situation worse.

(5) Traffic density is already above a reasonable level on Upper James and interferes with the safe entry and exit of patients from my office. The proposed strip mall would make an intolerable traffic situation worse and more dangerous.

Sincerely,

Robert C. Dickson MD

Robert C. Dickson Ph.D., M.D., C.C.F.P.

2 (a)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 26
(CD-95-006)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:*

Rental Housing Protection Act Application CD-95-006 -
293 Mohawk Road East, Hill Park Neighbourhood

*RECOMMENDATION:*

1. That Application CD-95-006, under the Rental Housing Protection Act, Halbiem Investments, owner, for conversion of 24 rental apartment units to condominium units for the property located at 293 Mohawk Road East, be **DENIED** for the following reasons:

   i) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,

   ii) Approval of the application would reduce the overall rental apartment vacancy rate in the Hamilton Mountain Zone.

V.J. Abraham

J.G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

***Owner***

Halbiem Investments, owner.

***Existing Building***

The subject property is comprised of one apartment building, seven storeys in height, with a total floor area of approximately 13,923 square feet. The building was constructed in 1963. A total of 12 one-bedroom and 12 two-bedroom rental apartment units are contained within the building. As of May 29, 1995, one of the 24 units in the building was vacant.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 293 Mohawk Road East was submitted to the City on March 22, 1995. The subject property is shown on the attached key map. The proposal is to convert the 12 one-bedroom and the 12 two-bedroom rental apartment units to condominium. The agent for the applicant has indicated the one-bedroom units will be sold for "in the $50,000 range" and the two-bedroom units will be sold for "in the $60,000 range." The applicant's agent has also indicated that existing tenants can purchase their units for $3,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

An application for approval of a Plan of Condominium for the subject property has been submitted to the City of Hamilton as well. This application is being held in abeyance until Council has considered this Rental Housing Protection Act application.

***Pending Applications - Megna Real Estate***

The agent for the owner, Mr. Bruno Megna of Megna Real Estate Limited, has submitted a total of nine applications for conversion to condominium for properties owned and/or managed by Megna Real Estate and Insurance Limited. These nine applications include the property that is the subject of this report, 293 Mohawk Road East. The nine applications are located at the following municipal addresses:

| RHPA File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley) |
| CD-95-005 | 22 | 352-356 Hunter St. E./122 Emerald St. S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount) |
| TOTAL | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "A" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications. Also included in Appendix "A" is a summary of the vacancy rate and rental supply implications by the various rental zones of the City. It should be noted that Hamilton City Council, on May 30, 1995, approved applications CD-95-001, CD-95-002, and CD-95-003 and on June 27, 1995 City Council approved applications CD-95-004, CD-95-005 and CD-95-007.

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants on March 21, 1995 inviting them to attend a meeting on March 28, 1995 explaining the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent on March 22, 1995. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors or replaced for units.
e. The parking lot would be resurfaced.
f. Any damaged bricks replaced or cladded with aluminum siding.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms replaced.
d. All bathroom tiles and floors will be replaced.
e. All kitchen floors will be replaced.
f. All interior doors that need to be replaced will be replaced.
g. All corridors and fire stairwells will be painted and refurbished.
h. Replace, repair or refurbish all railings, walls, ceilings and lighting in all the common areas.
i. New carpet will be installed in the hallways.
j. Refurbish and improve lobby hallways.

The applicant's agent forwarded a questionnaire to the tenants at 293 Mohawk Road East during May, 1995. The existing tenants have returned the questionnaires indicating their preference with regard to purchasing or not purchasing a unit. The following is a summary of the results:

| | |
|---|---|
| Tenants Who Want the Option to Buy Within 5 Years | - 8 |
| Tenants Who Want a 1 to 5 Year Lease | - 11 |
| Tenants Who Want to Stay as Tenants | - 3 |
| No Response from Tenant/No Contact/Vacant | - 2 |
| Total Units | - 24 |

***Rent Details***

The monthly rental charges for the units, effective September, 1994, are as follows:

- One-bedroom units have a monthly rental charge of $630.87 per month; and,
- Two-bedroom units have a monthly rental charge of $742.72 per month.

## *APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:*

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 293 Mohawk Road East are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,

iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criteria ii) is not applicable as the applicant is not providing any new rental units. Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 24 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 24 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into six geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain Zone". The Hamilton Mountain Zone is bounded on the north by the Escarpment and on the west, south and east by the Hamilton City Limits.

***Rental Housing Supply***

As noted in Appendix "A", the removal of the 24 units, and the additional 219 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.78 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Hamilton Mountain Zone, the removal of the 24 units, and the additional 38 units in the other RHPA application submitted by Mr. Megna, would reduce the overall supply of rental housing. It would represent a reduction of 0.86 percent in the 7,182 apartment units (in structures containing six or more units) in the Hamilton Mountain Zone.

From a broad perspective, the reduction of the overall supply of rental housing on a City-wide basis is negligible. However, the reduction in rental housing supply is more apparent and significant at the Hamilton Mountain Zone level because of the smaller base of available rental units and smaller geographic area.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The current monthly rental charges are $630.87 for one-bedroom units and $742.72 for two-bedroom units (September, 1994 to August, 1995, inclusive). This makes one-bedroom units affordable to households between the 46th and 47th household income percentile and two-bedroom units affordable to households between the 54th and 55th household income percentile, according to the Information Bulletin.

**Average Rent Levels**
**October, 1994**

| | Total Hamilton | Hamilton Mountain Zone | Subject Property |
|---|---|---|---|
| One-Bedroom | $479 | $481 | $630 |
| Two-Bedroom | $574 | $573 | $743 |

As shown in the table above, both one-bedroom and two-bedroom monthly rents in the subject property are higher than the average rent levels for Hamilton as a whole and for the Hamilton Mountain Zone.

*Vacancy Rates*

As recorded by CMHC at April, 1995, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Hamilton Mountain Zone was recorded at 1.14 percent in April, 1995, which is below the minimum 2.0 percent level which is considered as indicative of a healthy, competitive rental marketplace. This level is consistent with previous vacancy rate measures for this zone, which have been below 2.0 percent since October, 1977.

For one-bedroom apartments, the vacancy rate in the City as of April, 1995 was 2.27 percent and 1.09 percent for the Hamilton Mountain Zone. For two-bedroom apartments, the vacancy rate in the City as of April, 1995 was 2.29 percent and 1.07 percent for the Hamilton Mountain Zone.

Within the Hamilton Mountain Zone, approval of this condominium conversion proposal and the other application submitted by Mr. Megna (30 Summit Avenue - 38 units) would lower the vacancy rate to 1.08 percent from 1.14 percent.

The CMHC statistics clearly indicate that the demand for rental housing in the Hamilton Mountain is strong as evidenced by a rental apartment vacancy rate that has been below 2.0 percent since October, 1977. Further, removal of the rental apartment units at 293 Mohawk Roads East would exacerbate an already tight rental marketplace in this area of the City.

*Potential Alternative Accommodation*

As of October, 1994 (latest available data) there were approximately 27 vacant one-bedroom units in the Hamilton Mountain Zone with monthly rent charges in the range of $480 to $539. In addition, there were approximately 18 vacant two-bedroom units in the Hamilton Mountain Zone with monthly rent charges in the range of $460 to $799. Although there are lower priced vacant units available in the Hamilton Mountain Zone, the number of these available units is lower than the number of rental units at 293 Mohawk Road East (24) and 30 Summit Avenue (38).

*Summary*

The review of the vacancy rates has shown that there will be a negative impact on the Hamilton Mountain rental marketplace should Council approve this application for conversion. In particular, approval of the application would reduce the supply of rental units within the Hamilton Mountain Zone, which has not recorded a rental apartment vacancy rate of 2.0 percent or greater since October, 1977. In addition, the opportunity for relocating the existing tenants to other units within the Hamilton Mountain Zone is constrained by a limited number of available vacant units.

*AFFORDABILITY OF CONVERTED UNITS:*

The applicant's agent has indicated the one-bedroom units will be sold for "in the $50,000 range" and the two-bedroom units will be sold for "in the $60,000 range". These prices are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) released as part of the Comprehensive Set of Policy Statements. The one-bedroom units would be affordable to those between the 20th and 21st income percentile. The two-bedroom units would be affordable to those between the 25th and 26th income percentile.

For existing one-bedroom tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of June 18, 1995), the units would be affordable to households earning between approximately $18,700 and $19,500. The mortgage principal, interest, and taxes would be between $470 to $490 per month. For existing two-bedroom tenants the units would be affordable to households earning between approximately $21,500 and $22,400. The mortgage principal, interest, and taxes would be between $540 to $560 per month.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that there are limited quantities of vacant rental apartment units in the Hamilton Mountain Zone. Noted within the information brochure and confirmed with the applicant's agent, the owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 5 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

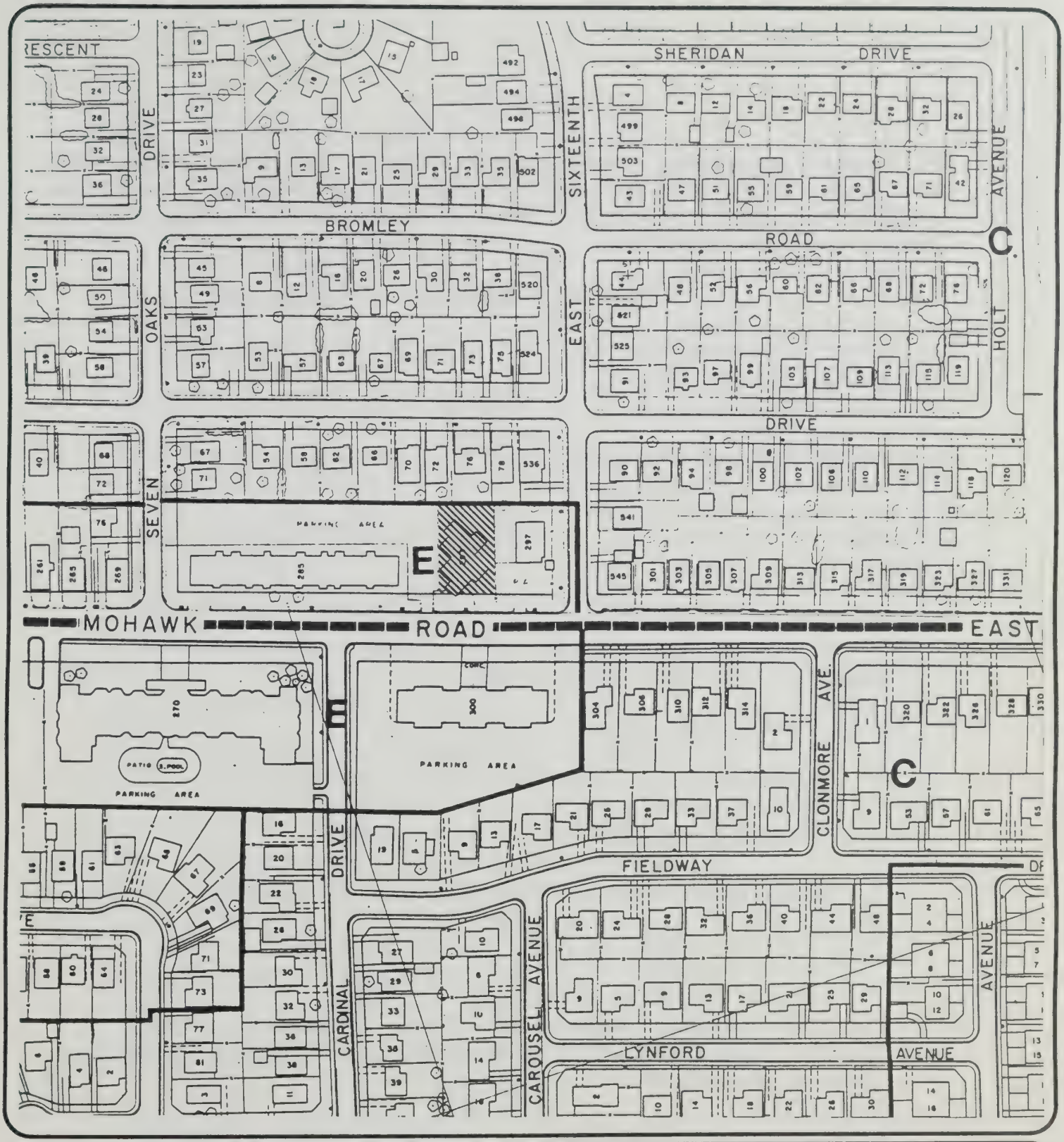
*COMMENTS:*

As noted previously, removal of the 24 rental units at 293 Mohawk Road East would cause an adverse impact on the supply of affordable rental housing, due to the persistently low vacancy rate for the Hamilton Mountain Zone as a whole and low vacancy rates for one-bedroom and two-bedroom units in the Zone. The rental apartment vacancy rate for the Hamilton Mountain Zone was recorded by CMHC at 1.14 percent as of April, 1995 and has not risen above 2.0 percent since October, 1977. A vacancy rate of between 2.0 and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace. In addition, approval of the application would lower the overall rental apartment vacancy rate in the Hamilton Mountain Zone and within the one-bedroom and two-bedroom market segments.

*CONCLUSION:*

On the basis of the foregoing, the application cannot be supported.

KE/ke




# City of Hamilton

## Key Map

### Rental Housing Protection Act

293 Mohawk Road East

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-006 |
| | Date | Drawn By |
| | JUNE 1995 | Z.K. |

## APPENDIX "A"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, October 1994: | 31,154 |
   | No. of Vacant Units: | 733 |
   | Vacancy Rate, October 1994: | 2.353% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,911 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.320% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

   Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.

2 (a) (i)

An application has been received by the City of Hamilton from Halbiem Investments to convert the rental apartment building at 293 Mohawk Road East to condominium (CD-95-006).

1. Are you...
   - ....in favour of the condominium conversion proposal? ☐
   - .....opposed to the condominium conversion proposal? ☐ (Please check one)
   - .....undecided? ☑

2. Do you..
   - .....intend to purchase a unit? ☐
   - .....prefer to remain as a tenant? ☐ (Please check one)
   - .....undecided? ☑

3. Do you have any other comments or concerns on the proposal?
   UNLESS ALL REPAIRS ARE DONE I DISAGREE WITH THE PROPOSAL. IF THEY ARE ALL DONE, THEN I AGREE

Signed C Biebuyck

Name CHARLES BIEBUYCK

Address 293 MOHAWK RDE APT 201

2(b)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 26
(CD-95-009)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:*

Rental Housing Protection Act Application CD-95-009 -
30 Summit Avenue, Eastmount Neighbourhood

*RECOMMENDATION:*

1. That Application CD-95-009, under the Rental Housing Protection Act, Bartonellis Holdings Limited, 350714 Ontario Limited and Rosa Lardi, owners, for conversion of 38 rental apartment units to condominium units for the property located at 30 Summit Avenue, be **DENIED** for the following reasons:

   i) Approval of the application would have an adverse impact on the supply of affordable rental apartment units in the Hamilton Mountain Zone; and,

   ii) Approval of the application would reduce the overall rental apartment vacancy rate in the Hamilton Mountain Zone.

V.J. Abraham

J.G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

***Owner***

Bartonellis Holdings Limited, 350714 Ontario Limited, and Rosa Lardi, owners.

***Existing Building***

The subject property is comprised of one apartment building, seven storeys in height, with a total floor area of approximately 35,574 square feet. The building was constructed in 1973. A total of 38 one-bedroom units are contained within the building. As of May 29, 1995, 4 of the 38 units in the building were vacant.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 30 Summit Avenue was submitted to the City on March 27, 1995. The subject property is shown on the attached key map. The proposal is to convert the 38 one-bedroom units to condominium. The agent for the applicant has indicated the units will be sold for "in the $50,000 range". The applicant's agent has also indicated that existing tenants can purchase their units for $3,000 less or 5 percent less than the appraised value of the unit, whichever is greater. In addition, a 25 percent refund of the total rental payments paid in the preceding 12-month period will be made.

An application for approval of a Plan of Condominium for the subject property has been submitted to the City of Hamilton as well. This application is being held in abeyance until Council has considered this Rental Housing Protection Act application.

***Pending Applications - Megna Real Estate***

The agent for the owner, Mr. Bruno Megna of Megna Real Estate Limited, has submitted a total of nine applications for conversion to condominium for properties owned and/or managed by Megna Real Estate and Insurance Limited. These nine applications include the property that is the subject of this report, 30 Summit Avenue. The nine applications are located at the following municipal addresses:

| RHPA File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley) |
| CD-95-005 | 22 | 352-356 Hunter St. E./122 Emerald St. S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount) |
| TOTAL | **243** | |

The nine applications will be brought forward to the Planning and Development Committee over May, June and July of 1995. Appendix "A" of this report contains the detailed review of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications. Also included in Appendix "A" is a summary of the vacancy rate and rental supply implications by the various rental zones of the City. It should be noted that Hamilton City Council, on May 30, 1995, approved applications CD-95-001, CD-95-002, and CD-95-003 and on June 27, 1995 City Council approved applications CD-95-004, CD-95-005 and CD-95-007.

The Planning and Development Department has also received one additional application for conversion to condominium at 350 Concession Street (Inch Park Neighbourhood). This building consists of 27 units.

***Proposed Conversion Details***

The applicant circulated an information package to all tenants on March 23, 1995 inviting them to attend a meeting on March 27, 1995 explaining the conversion to condominium proposal. The information package described the interior and exterior building improvements, financing details for those interested in purchasing and future tenancy details for those wishing not to purchase. The details contained in the information brochure were confirmed with Planning and Development Department staff and the applicant's agent on March 27, 1995. The information package notes renovations will occur to each of the units and the building upon registration of the building as condominium. These renovations include the following:

Exterior Improvements:

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors or replaced for units.

Interior Upgrades:

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms replaced.
d. All bathroom tiles and floors will be replaced.
e. All kitchen floors will be replaced.
f. All interior doors that need to be replaced will be replaced.
g. All corridors and fire stairwells will be painted and refurbished.
h. Replace or repair all railings, walls, ceilings and lighting in all the common areas.
i. New carpet will be installed in the hallways.
j. Refurbish and improve lobby hallways.

The applicant's agent forwarded a questionnaire to the tenants at 30 Summit Avenue during May, 1995. The existing tenants have returned the questionnaires indicating their preference with regard to purchasing or not purchasing a unit. The following is a summary of the results:

| | |
|---|---|
| Tenants Who Want To Purchase a Unit | - 10 |
| Tenants in Favour of Signing an Option to Purchase | - 16 |
| Tenants in Favour of a 1 to 5 Year Lease | - 4 |
| Tenants Who Want to Stay as Tenants | - 3 |
| No Response from Tenant/No Contact/Vacant | - 5 |
| | |
| Total Units | - 38 |

***Rent Details***

The monthly rental charges for the 38 one-bedroom units, effective October, 1994, are as follows:

- Nineteen (19) units have a monthly rental charge of $532.30 per month;
- Nine (9) units have a monthly rental charge of $522.32 per month;
- Five (5) units have a monthly rental charge of $509.01 per month;
- Two (2) units have a monthly rental charge of $543.95 per month;
- One (1) unit has a monthly rental charge of $504.03 per month;
- One (1) unit has a monthly rental charge of $492.39 per month; and,
- One (1) unit has a monthly rental charge of $485.73 per month.

## *APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:*

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 30 Summit Avenue are subject to the Act since the applicant intends to convert the apartment units to condominium status.

The Act notes that council of a municipality shall not approve an application under the Act unless the council is satisfied that at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area; and/or,
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criteria i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criteria ii) is not applicable as the applicant is not providing any new rental units. Therefore, Council may approve this application if, as noted by the Province, "it is of the opinion that the loss of these 38 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton.

The Province has added that "if Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 24 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province further notes "suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit.
- pricing of units for sale to tenants at the levels set out in the application.
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under section 105 of the Landlord and Tenant Act.
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale."

***ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:***

City Council may approve the application through Regulation O.Reg. 524/94 of the Rental Housing Protection Act if, in Council's opinion, the removal of these 38 rental units will not adversely affect the supply of affordable rental housing in the City.

Data from the semi-annual Canada Mortgage and Housing Corporation (hereafter referred to as "CMHC") Rental Market Report is used to ascertain potential impacts on the rental housing marketplace of the proposed condominium conversion. CMHC has divided the City into six geographic zones; the subject property is located within "Zone 6 - Hamilton Mountain Zone". The Hamilton Mountain Zone is bounded on the north by the Escarpment and on the west, south and east by the Hamilton City Limits.

***Rental Housing Supply***

As noted in Appendix "A", the removal of the 38 units, and the additional 205 units in the other eight RHPA applications submitted by Mr. Megna, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.78 percent in the 31,154 apartment units (in structures containing six or more units) in Hamilton.

In the Hamilton Mountain Zone, the removal of the 38 units, and the additional 24 units in the other RHPA application submitted by Mr. Megna, would reduce the overall supply of rental housing. It would represent a reduction of 0.86 percent in the 7,182 apartment units (in structures containing six or more units) in the Hamilton Mountain Zone.

From a broad perspective, the reduction of the overall supply of rental housing on a City-wide basis is negligible. However, the reduction in rental housing supply is more apparent and significant at the Hamilton Mountain Zone level because of the smaller base of available rental units and smaller geographic area.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton-Wentworth area. The current monthly rental charges range from $485.73 to $543.95, with an average rent of $524.37 (October, 1994 to September, 1995, inclusive). This makes the units affordable to households between the 38th and 39th household income percentile, according to the Information Bulletin.

**Average Rent Levels**
**October, 1994**

| | Total Hamilton | Hamilton Mountain Zone | Subject Property |
|---|---|---|---|
| One-Bedroom | $479 | $481 | $524 |

As shown in the table above, one-bedroom monthly rents in the subject property are slightly higher than the average rent levels for Hamilton as a whole and for the Hamilton Mountain Zone.

***Vacancy Rates***

As recorded by CMHC at April, 1995, the rental apartment vacancy rate for the City was 2.4 percent (in structures containing six or more units). A vacancy rate between 2.0 percent and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace in a municipality.

The apartment vacancy rate for the Hamilton Mountain Zone was recorded at 1.14 percent in April, 1995, which is below the minimum 2.0 percent level which is considered as indicative of a healthy, competitive rental marketplace. This level is consistent with previous vacancy rate measures for this zone, which have been below 2.0 percent since October, 1977.

For one-bedroom apartments, the vacancy rate in the City as of April, 1995 was 2.27 percent and 1.09 percent for the Hamilton Mountain Zone.

Within the Hamilton Mountain Zone, approval of this condominium conversion proposal and the other application submitted by Mr. Megna (293 Mohawk Road East - 24 units) would lower the vacancy rate to 1.08 percent from 1.14 percent.

The CMHC statistics clearly indicate that the demand for rental housing in the Hamilton Mountain is strong as evidenced by a rental apartment vacancy rate that has been below 2.0 percent since October, 1977. Further, removal of the rental apartment units at 30 Summit Avenue would exacerbate an already tight rental marketplace in this area of the City.

***Potential Alternative Accommodation***

As of October, 1994 (latest available data) there were approximately 27 vacant one-bedroom units in the Hamilton Mountain Zone with monthly rent charges in the range of $480 to $539. Although there are lower priced vacant units available in the Hamilton Mountain Zone, the number of these available units is lower than the number of rental units at 30 Summit Avenue (38) and 293 Mohawk Road East (24).

***Summary***

The review of the vacancy rates has shown that there will be a negative impact on the Hamilton Mountain rental marketplace should Council approve this application for conversion. In particular, approval of the application would reduce the supply of rental units within the Hamilton Mountain Zone, which has not recorded a rental apartment vacancy rate of 2.0 percent or greater since October, 1977. In addition, the opportunity for relocating the existing tenants to other units within the Hamilton Mountain Zone is constrained by a limited number of available vacant units.

*AFFORDABILITY OF CONVERTED UNITS:*

The applicant's agent has indicated the one-bedroom units will be sold for "in the $50,000 range". This price is within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995) released as part of the Comprehensive Set of Policy Statements. The units would be affordable to those between the 20th and 21st income percentile.

For existing tenants, assuming a 10 percent downpayment and prevailing mortgage interest rates (as of June 18, 1995), the units would be affordable to households earning between approximately $18,700 and $19,500. The mortgage principal, interest, and taxes would be between $470 to $490 per month.

*IMPACT ON EXISTING TENANTS:*

Some of the anticipated impacts on existing tenants have been noted in the preceding discussion, including the fact that there are limited quantities of vacant rental apartment units in the Hamilton Mountain Zone. Noted within the information brochure and confirmed with the applicant's agent, the owner is offering the following options for tenants who do not wish to purchase a unit:

- Signing a 1 to 5 year lease for the tenant's current unit;
- The owner finding and arranging new accommodation; and,
- Continuing their present month-to-month tenancy.

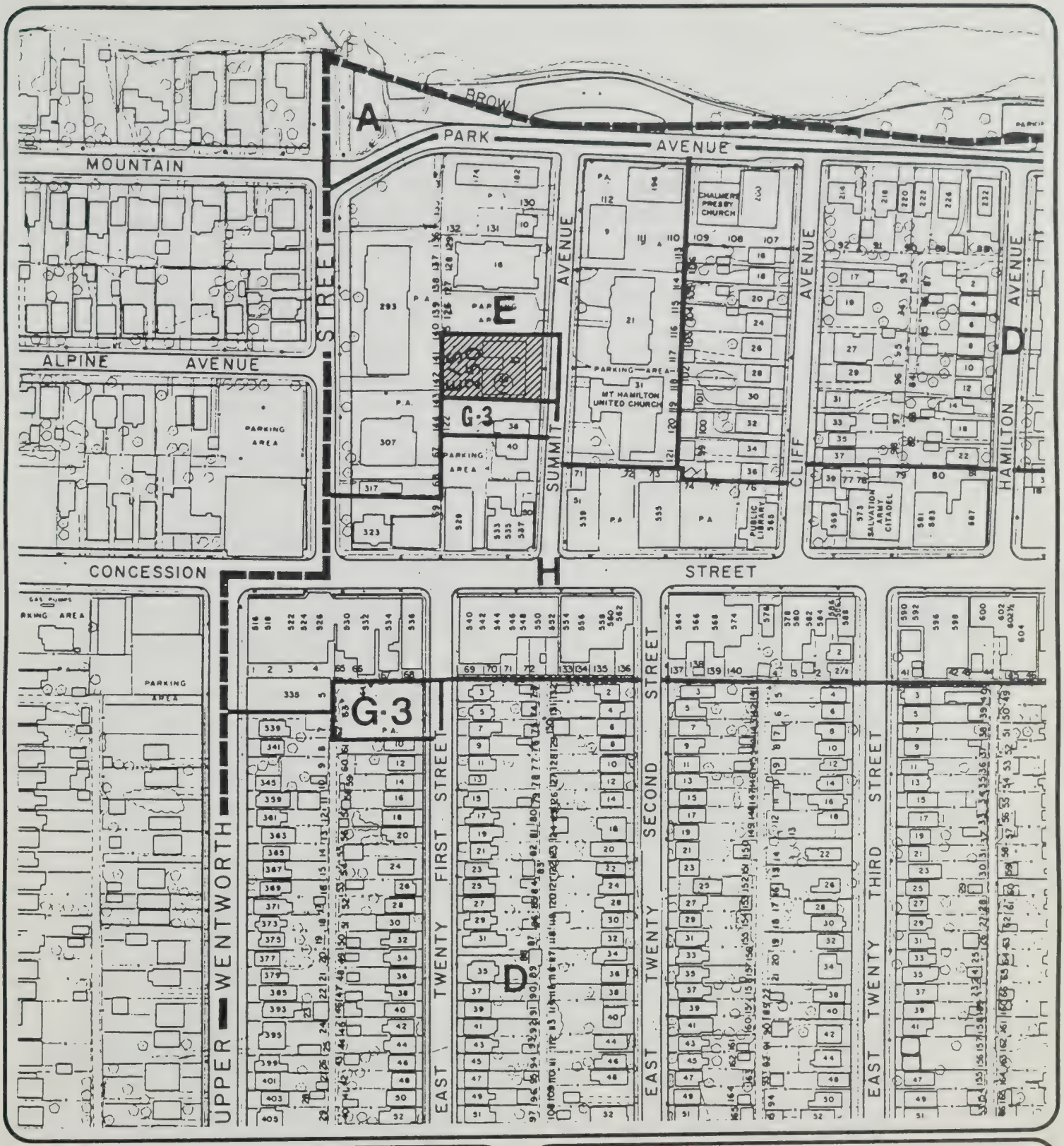
*COMMENTS:*

As noted previously, removal of the 38 rental units at 30 Summit Avenue would cause an adverse impact on the supply of affordable rental housing, due to the persistently low vacancy rate for the Hamilton Mountain Zone as a whole and low vacancy rates for one-bedroom units in the Zone. The rental apartment vacancy rate for the Hamilton Mountain Zone was recorded by CMHC at 1.14 percent as of April, 1995 and has not risen above 2.0 percent since October, 1977. A vacancy rate of between 2.0 and 3.0 percent is considered by CMHC as indicative of a healthy, balanced, competitive rental marketplace. In addition, approval of the application would lower the overall rental apartment vacancy rate in the Hamilton Mountain Zone and within the one-bedroom market segment.

*CONCLUSION:*

On the basis of the foregoing, the application cannot be supported.

KE/ke




# City of Hamilton

## Key Map

### Rental Housing Protection Act

30 Summit Avenue

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-009 |
| | Date | Drawn By |
| | JUNE 1995 | Z.K. |

## APPENDIX "A"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 4 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 6 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **16** |

1. Impact on Vacancy Rate - City of Hamilton

   a) *Current Vacancy Rate*

   | | |
   |---|---|
   | Total Rental Units, October 1994: | 31,154 |
   | No. of Vacant Units: | 733 |
   | Vacancy Rate, October 1994: | 2.353% |

   b) *If All 243 Units under the nine applications were approved for conversion:*

   | | |
   |---|---|
   | Total Rental Units: | 30,911 |
   | No. of Vacant Units: | 717 |
   | Vacancy Rate, after units removed: | 2.320% |

   Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.033%.

2. Impact on Downtown Core - Zone 1

   Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.

2 (b) (i)

An application has been received by the City of Hamilton from Bartonellis Holdings Limited to convert the rental apartment building at 30 Summit Avenue to condominium (CD-95-009).

1. Are you...
   - ....in favour of the condominium conversion proposal? ☐
   - .....opposed to the condominium conversion proposal? ☑ (Please check one)
   - .....undecided? ☐

2. Do you..
   - .....intend to purchase a unit? ☐
   - .....prefer to remain as a tenant? ☑ (Please check one)
   - .....undecided? ☐

3. Do you have any other comments or concerns on the proposal?

THE ~~MAY~~ THIS ~~FOR~~ TIME ~~LONG~~ I WOULD'NT BUY IT FOR MANY MONEY

Signed Roger Fleet

Name ROGER FLEET

Address 702-30 SUMMIT

2(c)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 27
(CD-95-008)

*REPORT TO:* Stella Glover, Secretary
Planning and Development Committee

*FROM:* Mr. V.J. Abraham, MCIP, RPP
Director of Local Planning

Mr. J.G. Pavelka, P.Eng
Chief Administrative Officer

*SUBJECT:* Rental Housing Protection Act Application CD-95-008 -
141 Catharine Street South, Corktown Neighbourhood

*RECOMMENDATIONS:*

1. That approval be given to Application CD-95-008, under the Rental Housing Protection Act, 683440 Ontario Inc., owner, for conversion of 57 rental apartment units to 57 condominium units for property located at 141 Catharine Street South, subject to the following conditions:

   (a) That the Owner offer, in writing, to the Tenants named in Appendix "A", the right to lease their current unit, noted in Appendix "A", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

      (i) the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days;

      (ii) that leases entered into as a result of (i) above, be executed prior to the City's execution of the RHPA Approval Agreement;

      (iii) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended;

      (iv) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(v) that the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(b) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "B" annexed hereto;

(c) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option;

(d) That this RHPA approval shall cease and be at an end,

(i) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(ii) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(e) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A", "B" and "C" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval;

(f) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(g) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(h) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

2. That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

***Owner***

638440 Ontario Inc.

***Existing Buildings***

The property consists of a ten storey apartment building, with a total floor area of approximately 40,150 square feet. The 57 rental apartments are all one-bedroom units. As of June 26, 1995, 14 units were vacant. The Building Department notes there are no outstanding work orders for the property.

***Rent Details***

The existing monthly rental charges for the one-bedroom units, effective June 13, 1995, range from $535.18 to $585.18, with an average of $554.90. All but two of the rents are under $561.

***Nature of the Application***

An application under the Ontario Rental Housing Protection Act (RHPA) for the property at 141 Catharine Street South in Hamilton, shown on the attached map, was submitted to the City on March 23, 1995. The proposal is to convert 57 rental apartment units to 57 condominium units.

The applicant has indicated the 57 one-bedroom units will be sold for a minimum of $3,000 or 5% less than the appraised value (whichever is greater). A number of other financial incentives are also being offered, including a 25% refund of total rental payment made during the last 12 months prior to the purchase; and assistance with obtaining mortgages. As a result, tenants will be able to purchase their unit for a total of $8,000 to $8,500 less than the appraised value, depending on the option selected.

Tenants who may wish to purchase their unit later would be able to sign an option to purchase their unit within 2 years of the date of registration of the condominium. Any tenants who do not wish to purchase their unit at all would have the option of signing a lease for 1 to 5 years, with

the option to cancel if they wish; or could have the owner help them find new accommodations; or could continue to rent on a month-to-month basis.

The applicant's agent indicated that the sale price of the one-bedroom units would be in the $40,000 range.

A related application for draft plan of condominium was submitted for the same property on March 27, 1995, file number CDM-CONV-95-008. Council must make a decision regarding the application under the Rental Housing Protection Act for this property, prior to final approval being given on the plan of condominium. Therefore, this application will be dealt with by the Planning and Development Committee at a later date.

***Proposed Conversion Details***

The applicant provided information packages to all tenants, on dated March 28, 1995, outlining the proposal to convert to condominium, the process to be followed, proposed renovations, explanation of the purchase price and financing offers, and sample letters for tenants to indicate their intentions. These same details of the proposal were provided to Planning and Development Department staff on April 6, 1995. Copies of this information package are available upon request from staff.

The proposed renovations, to be carried out upon approval of the RHPA application and registration of the condominium, include the following:

Exterior Improvements:
- All windows will be replaced; and,
- Landscaping, walkways and parking lot will be upgraded.

Interior Upgrades:
- Replacement of all fridges, stoves, kitchen cupboards and carpet in hallways; painting of all hallways and stairwells;
- Replacement as needed of water taps in kitchens and bathrooms; bathroom tiles and floors; kitchen floors; and interior doors; and,
- Replacement or refurbishing of all flooring, railings, walls, ceilings and lighting in all the common corridors and stairwells, including all the rest of the common areas.

Tenants were invited by the applicant to attend a meeting on April 5, 1995 concerning the proposal. The applicant contacted tenants who did not attend by phone or in person to determine their intentions, and provided them with information packages.

In addition to this meeting, Planning Department staff provided a postcard reply card to all tenants, for them to indicate whether or not they are in favour of the application, and whether they are interested in purchasing their unit. This was mailed to all tenants on June 1, 1995, along with the notice of the July 5 public meeting. As well, Bruno Megna, agent, undertook a survey of all tenants on June 24 - 25, asking them to indicate their intentions using a consent form.

The responses of the tenants, as of June 26, 1995, are as follows:

| | |
|---|---|
| Interested in Purchasing Now | - 0 |
| Interested in Signing Option to Buy in 3 Years | - 34 |
| Interested in Leasing for 1 - 3 Years | - 0 |
| Want to Stay as Tenant | - 1 |
| Vacant | - 14 |
| Unable to Contact on Several Occasions | - 8 |
| Total Units | - 57 |

It should be noted that only six units were vacant at the time the application was submitted on March 23, 1995. Since that time, 8 more units have become vacant, for a total of 14 vacant units as of June 26, and the tenants in many of the other units have changed. The applicant determined the intentions of most tenants, but was unable to contact the tenants of 8 units.

***Pending Applications - Megna Real Estate***

The agent for the owner, Bruno Megna, has submitted a total of nine applications for condominium conversion for properties owned and/or managed by Megna Real Estate. These include the subject application at 141 Catharine Street South, and are located at the following municipal addresses:

| File No. | No. of Units | Address and Neighbourhood |
|---|---|---|
| CD-95-001 | 19 | 174 Herkimer Street (Durand Neighbourhood) |
| CD-95-002 | 20 | 93 Emerald Street South (Stinson Neighbourhood) |
| CD-95-003 | 39 | 2373 King Street East (Glenview East Neigh.) |
| CD-95-004 | 12 | 41 - 43 Albert Street (Blakeley Neighbourhood) |
| CD-95-005 | 22 | 352-356 Hunter St.E. & 122 Emerald St.S. (Stinson) |
| CD-95-006 | 24 | 293 Mohawk Road East (Hill Park Neighbourhood) |
| CD-95-007 | 12 | 97 & 101 Connaught Avenue South (Stipeley Neigh.) |
| CD-95-008 | 57 | 141 Catharine Street South (Corktown Neigh.) |
| CD-95-009 | 38 | 30 Summit Avenue (Eastmount Neighbourhood) |
| **Total Units:** | **243** | |

The first three of these applications were brought forward to the Planning and Development Committee in May 1995, and were approved. Three more were approved in June, and the remaining three are being brought forward in July, 1995. An analysis has been done of the implications on the vacancy rate and the supply of rental units should Council approve all nine applications, which is contained in Appendix "D" of this report. This analysis also includes a summary of impacts by each of the rental zones in which the applications are located.

The Planning and Development Department has received another application for conversion to condominium, for property at 350 Concession Street (Inch Park Neigh.), with 27 rental units.

*APPLICABILITY OF THE RENTAL HOUSING PROTECTION ACT:*

The purpose of the Act is to protect the supply of rental housing. The Act regulates changes to rental housing units including renovations, conversion to condominium and other uses, demolitions and severances. The rental apartment units at 141 Catharine Street South are subject to the Act since the applicant intends to convert the apartment units to condominium.

The Rental Housing Protection Act states the Council of a Municipality shall not approve an application under the Act unless council is satisfied at least one of the following criteria is met:

i) the building is structurally unsound;
ii) the applicant provides the same number of new rental units in a similar rental range and in the same area and provides the existing tenants with rental accommodation of similar quality and rent in the same area;
iii) in the opinion of Council, the proposal does not adversely affect the supply of affordable rental housing in the municipality.

Criterion i) is not applicable as the applicant is seeking to convert the existing building to condominium status. Criterion ii) is not applicable as the applicant is not providing any new rental units to replace those which would be lost from the supply. Therefore, criterion iii) is the only relevant one.

Council may approve this application based on Criterion iii) if, as noted by the Province, "it is of the opinion that the loss of these 57 affordable rental units would not constitute an adverse effect on the supply of affordable rental housing" in Hamilton. The Province also notes "If Council decides to approve the application, Council may wish to use the provisions of section 11(7) and 12 of the Rental Housing Protection Act to impose reasonable conditions on approval, to enter into agreements with the applicant concerning fulfilment of these conditions, and to register these agreements against title to the property."

The Province notes "Suitable conditions in this situation might include:

- provision of a first right of refusal to all tenants interested in purchasing their unit;
- pricing of units for sale to tenants at the levels set out in the application;
- provision to tenants who do not wish to purchase of a period of security of tenure from eviction by the applicant or a subsequent purchaser of a condominium on the grounds of personal possession under Section 103 of the Landlord and Tenant Act and on the grounds of renovation and repair, conversion of use, or demolition under Section 105 of the Landlord and Tenant Act; and,
- conduct of a structural audit and reserve fund analysis to the satisfaction of the municipality, and provision of a copy of this report free of charge to prospective purchasers before they enter into binding agreements of purchase and sale.

Council may also impose other conditions it considers reasonable."

*ANALYSIS OF IMPACT/EFFECT ON THE RENTAL HOUSING MARKETPLACE:*

A number of housing measures may be reviewed to determine the impact of the proposal on the affordable housing supply, including rental housing supply data, average rents, vacancy rates, etc., as outlined in the following sections.

Data from the semi-annual Canada Mortgage and Housing Corporation (CMHC) Rental Market Report is used to determine potential impacts on the rental housing marketplace of the proposed condominium conversion. The April 1995 CMHC rental market data became available on May 25, 1995, and has been used where possible. CMHC divides the City into seven geographic zones. The subject property is located within "Zone 1 - Downtown Core Zone", which is bounded on the south by the Escarpment, on the west by Queen Street, on the north by Cannon Street and on the east by Wentworth Street.

***Rental Housing Supply***

The proposed conversion of the 57 units would represent a reduction of 0.18 percent in the 30,897 apartment units (in structures containing six or more units) in Hamilton; and a reduction of 0.53 percent in the 10,665 apartment units (in structures containing six or more units) in the Downtown Core Zone. This would be a relatively minor impact on the overall supply of rental housing in the City and the immediate area.

As noted in Appendix "D", the removal from the rental supply of the 57 units in the subject application, as well as the 186 units in the eight other RHPA applications submitted by Megna Real Estate, totalling 243 units, would reduce the overall supply of rental housing in the City. It would represent a reduction of 0.79 percent in the 30,897 apartment units (in structures containing six or more units) in Hamilton.

***Monthly Rents***

The existing rents are within the "affordable" range for the Hamilton area, as defined by the most recent Income and Affordable Housing Price Information Bulletin (1995), part of the Comprehensive Set of Policy Statements. The Information Bulletin notes that units with rents of $830 or less per month are "affordable" for the Hamilton area.

As noted previously, the current monthly rents for the 57 units, which are all one-bedroom, range from $535.18 to $585.31, averaging $554.90. These units are affordable to households between the 39th and 43rd household income percentile, namely households with annual incomes of $21,300 to $23,500. All units fall well within the affordable range, (ie. below the 60th percentile), but they are not especially affordable to low-income households.

As shown in the table below, the average monthly rents for the one-bedroom units in the subject property are somewhat higher than average rent levels for the Downtown Core and the City.

**Average Rent Levels - October, 1994**

| | Total Hamilton | Downtown Core Zone | Subject Property (Average) |
|---|---|---|---|
| One-Bedroom | $479 | $489 | $555 |

***Vacancy Rates***

The rental apartment vacancy rate for the City of Hamilton was 2.38 percent in April, 1995 (in private apartment structures containing six or more units), as reported by CMHC. A vacancy rate between 2.0 and 3.0 percent for the municipality is considered by CMHC to indicate a healthy, competitive rental marketplace.

The apartment vacancy rate for the Downtown Core Zone was 1.79 percent as of April, 1995. For one-bedroom apartments, the vacancy rate in the City was 2.27 percent, and for the Downtown Core Zone it was 2.50 percent, as of April, 1995.

Therefore, the current apartment vacancy rates for the City of Hamilton as a whole and for these types of units, in this area, are generally within the competitive or healthy range. However, the vacancy rate for the Downtown Core Zone is slightly below the desirable range, at 1.79 percent.

There were 14 vacant units in the subject property, as of June 26, 1995. Approval of the proposed conversion would reduce the vacancy rate slightly from 1.79 percent to 1.67 percent in the Downtown Core Zone. The proposal would cause the vacancy rate in the City as a whole to also be reduced very slightly, from 2.38 percent to 2.34 percent (based on April, 1995 CMHC data for private apartments in structures with 6 units and over).

The vacancy rates for one-bedroom units would decrease slightly from 2.50 to 2.29 percent for the Downtown Core, and from 2.27 to 2.18 percent for the City as a whole.

***Potential Alternative Accommodation***

CMHC data was reviewed to determine the extent of similar rental units which would be available to affected tenants. As noted earlier, the 57 one-bedroom units in the subject property have rents ranging from $535.18 to $585.31, averaging $554.90. As of the latest data of this type, from October, 1994, there were approximately 119 vacant one-bedroom units in the Downtown Core Zone with monthly rents ranging from $400 to $579, and averaging $486. Therefore, there are some vacant units available, most at lower rents; although the magnitude of the proposal might mean that the supply of similar vacant units could be reduced by up to half.

Therefore, the subject units are above the average in terms of monthly rent; and there is a limited supply of alternative rental accommodation at a lower price, or the same price, within the same area, namely the Downtown Core. However, approval of the proposal reduce the number of similar vacant units by up to half.

*Summary of Housing Market Analysis*

The Act states that City Council must be satisfied as to whether there is an adverse impact on affordable rental housing. Based on the foregoing analysis of various housing market measures, the removal of the 57 rental units, in terms of:

- Rental housing supply - would represent a relatively minor impact on the overall supply of rental housing in the City and the immediate area;
- Monthly rents - would represent a loss of affordable units, but not the most affordable units, since the rents are above average;
- Vacancy rates - would not be a concern for the City as a whole, but would mean a loss of units in the Downtown Core, where vacancy rate is just below the acceptable range;
- Alternative accommodation - would be a minor concern, since the units are above average in price, and there is a limited number of available rental units at the same or lower price, in the Core, which might be reduced by up to half by the proposal.

The criteria proposed by the Planning and Development Department for evaluating these applications consider the vacancy rates for the City, CMHC zone and type of unit. If one of these rates is below two percent for two consecutive CMHC surveys, then the application is not to be recommended for approval.

For the subject application, the vacancy rate for the Downtown Zone is below two percent, at 1.79 percent, but has only been below two percent for one CMHC survey, namely the one done in April, 1995. Also, the low vacancy rate for two bedroom units in the core is not a concern in this case, since there are only one-bedroom units in the building. Therefore, the application can be recommended for approval, based on the above analysis.

*AFFORDABILITY OF CONVERTED UNITS:*

The applicant's agent indicated verbally on June 21, 1995 that the sale price of the one-bedroom units would be in the $38,000 to $40,000 range. This would be within the "affordable" range for the Hamilton-Wentworth area, as defined by the most recent Income and Affordable Housing Price Data Information Bulletin (1995), part of the Comprehensive Set of Policy Statements, which defines affordable purchase units as those costing up to $133,000.

For existing tenants, assuming an asking price of $40,000, a 10 percent downpayment and prevailing mortgage interest rates (as of June 23, 1995), these units would be affordable to households earning between $16,000 and $16,600 annually, depending on the term. On a monthly basis, these carrying charges would range from $400 to $414, which is significantly lower than the existing monthly rents, which average about $555 for the one-bedroom units.

*IMPACT ON EXISTING TENANTS:*

In terms of anticipated impacts on existing tenants, there are a limited number of vacant units in the same or lower price range, in the same area, namely the Downtown Core Zone.

As noted, the applicant is offering several options and forms of assistance to tenants who wish to buy their unit now, or possibly later, or not at all. Tenants who may wish to buy later could sign an option to purchase their unit within 3 years of the condominium being registered. Tenants who do not wish to buy could sign a lease for 1 to 5 years; could have the owner help them find new accommodations; or could continue to rent on a month-to-month basis. The applicant noted on June 26 that over half of the tenants wish to buy within 3 years; most of the rest are either vacant or have not responded. Only one tenant wishes to stay as a tenant.

*COMMENTS:*

As discussed, the removal of the 57 rental units at 141 Catharine Street South would not cause an adverse impact on the supply of affordable rental housing or on the related vacancy rates for the City or the Downtown Core Zone, although the Downtown vacancy rate is close to the acceptable limit. Since this sector of the housing market has such a low vacancy rate at present, it would seem reasonable to impose conditions on the approval of this application, to ensure that the various housing options being offered by the applicant are provided to the existing tenants.

In general with RHPA applications, if there are concerns about the impacts on tenants and possible displacement of tenants as a result of approval of applications, Committee can make approval conditional on the preparation of an approval agreement, to ensure the existing tenants have available to them a number of acceptable housing options. This might include, for example, providing them with a period of time in which to find suitable replacement accommodation.

Such conditions of approval have been approved by City Council in the case of previous RHPA applications, including 174 Herkimer Street, 93 Emerald Street South, and 2373 King Street East. In approving these applications for conversion to condominium use, Council required that the owners enter into legal agreements protecting the interests of existing tenants, by requiring that the tenants have long-term leases at the existing legal rent rates, and giving them the right to purchase a unit at a maximum specified price.

Concerning the subject application, the applicant has made offers to tenants regarding these and related matters. The resulting list of proposed conditions of approval, in abbreviated form, are as follows, and the complete list of conditions are contained in the Recommendations and Appendices. These are intended to recognize the various options and commitments the owner has made to the tenants of 141 Catharine Street South regarding the proposed conversion. The applicant's agent has indicated he is familiar with the scope and nature of the various conditions of approval Council has utilized in previous RHPA applications, including the other Megna applications approved in May and June of 1995. These proposed conditions are:

- The owner will offer tenants an option to purchase a unit within three years from the registration on title of the RHPA Approval. The sale is to be completed within 120 days, unless otherwise agreed by the Tenant;

- The purchase price, to be negotiated and agreed upon by the owner and tenant, is not to exceed the dollar value assigned to the unit by an accredited appraiser of real property less,

- $3,000 or 5% less than the appraised dollar value of the unit, whichever is greater; and,
- 25 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to the date of the Agreement of Purchase and sale is executed between the Tenant and Owner.

- The owner will offer to tenants a lease for a period of not less than three years, at current rents;

- The owner is to enter into an RHPA Approval Agreement with the City incorporating the City's conditions of approval, to be registered on title to the property;

- The approval will end if the Owner has sold the land without entering and registering the Approval Agreement with the City; and, in any event, within 5 years of approval;

- The owner will cause a new land owner if any to enter into an agreement with each Tenant to assume these obligations of the owner to the tenants; and,

- The RHPA Approval Agreement, leases and options to purchase will be prepared by the owner and registered by the Owner at its expense, including payment of registration fees.

Upon satisfaction of the above-noted conditions, the City Clerk will be authorized to execute the RHPA Certificate of Approval in a form satisfactory to the City Solicitor.

Following the registration of the Approval Agreement, the owner must also obtain final approval by the City of the plan of condominium for the property, under the Condominium Act. This matter is the subject of a separate application process, and application has been made for approval of the draft plan of condominium.

***CONCLUSION:***

Based on a review of several housing market statistical indicators, the proposed conversion to condominium of the 57 apartment units at 141 Catharine Street South will not cause an adverse impact on the supply of affordable rental housing in Hamilton or in the Downtown Core. Rental vacancy rates are at competitive levels and have been for the past several years and there are a good number of lower priced vacant units available. In addition, the proposed conversion will result in the creation of "affordable" ownership housing that reaches a segment of the marketplace which has not been in a position to attain home ownership in recent years.

As with previous RHPA applications, it is appropriate that some degree of flexibility be provided to tenants who will be affected by the conversion. Accordingly, tenants should have the option of staying in their units for an additional one to three year period upon registration of the Approval Agreement. As well, the applicant has made a commitment to the tenants that the units will be sold at a maximum specified price. It is desirable to recognize this commitment within the Approval Agreement.

## APPENDIX "A"

## TENANTS AND MONTHLY RENTAL CHARGES AS OF JUNE 26, 1995

## 141 CATHARINE STREET SOUTH

| | | | |
|---|---|---|---|
| Apt. 101 | John Romikat<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$544.34 | Apt. 204 | Khamo Chanthavong<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$585.31 |
| Apt. 102 | George Dutton<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$546.08 | Apt. 205 | Randy Almon<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.31 |
| Apt. 103 | Arnold Fowler<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$545.56 | Apt. 206 | Samantha Desantis<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$544.40 |
| Apt. 201 | Tanja Eklund<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$585.18 | Apt. 301 | Katarina Bozic<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.31 |
| Apt. 202 | Rick Howard<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.13 | Apt. 302 | Tom Drumm and Carmel Drumm<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.19 |
| Apt. 203 | Shirley Dutton<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.00 | Apt. 303 | Mattan Amina<br>141 Catharine Street South<br>Hamilton, Ontario<br>L8N 2J7<br><br>One-Bedroom/$560.13 |

Apt. 304
Horace & Helen Dixon
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. 305
Cliff McGill
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$539.25

Apt. 306
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.39

Apt. 401
Victoria Chandler
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.39

Apt. 402
Rose Brown
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.34

Apt. 403
Jason Keresztes
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.40

Apt. 404
Karen Burke
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 405
Greg Ashton
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. 406
Teresa Johnson
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.31

Apt. 501
Andrea Hardman
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. 502
Sean Merrill
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$535.33

Apt. 503
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. 504
Miroslav Rodic
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 505
Daniel Borosa & Nathalie Pavlica
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.48

Apt. 506
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 601
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 602
Renee Chong
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.34

Apt. 603
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.34

Apt. 604
Rebecca Kramer
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.39

Apt. 605
David Jenkins
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 606
Samantha Warren
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.14

Apt. 701
Jane Clark
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 702
Jeff Melnyk
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 703
Vivian Cubitt
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 704
Laura Rogers
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.27

Apt. 705
Teresa Molinaro
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.48

Apt. 706
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 801
Joseph Goulet
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 802
Parbattie Cerqueira
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$569.52

Apt. 803
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.31

Apt. 804
Deborah Wall
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.16

Apt. 805
Stanley Kowalski
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.31

Apt. 806
Jessie Gouthro
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$535.18

Apt. 901
Varant Misak & Sharpki
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. 902
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.39

Apt. 903
Stanley Cayuga
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$535.34

Apt. 904
Carolyn Strong
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. 905
Shawntal Cubitt
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.48

Apt. 906
Miroslav Rodic
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. A1001
Ken Barwick
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.48

Apt. A1002
Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. A1003
James Demarchi
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.13

Apt. A1004 Donna Hanrahan
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

Apt. A1005 Dave Schell & Georgette Stephens
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$544.39

Apt. A1006 Vacant
141 Catharine Street South
Hamilton, Ontario
L8N 2J7

One-Bedroom/$560.18

## APPENDIX "B"

The Agreement of Purchase and Sale shall provide,

(a) that the sale shall be completed within One Hundred and Twenty (120) days of execution of the agreement, unless otherwise agreed by the Tenant and Owner; and,

(b) that the purchase price for a Unit be the price agreed upon between the Owner and the Tenant which price shall not exceed the dollar value assigned to the Unit by an accredited appraiser of real property less,

i) $3,000.00 or 5.0 percent of the appraised dollar value of the Unit, whichever is greater; and,

ii) 25.0 percent of the total rental payments made by the Tenant in the preceding 12-month period prior to date the Agreement of Purchase and Sale is executed between the Tenant and the Owner.

The aforementioned accredited appraiser of real property shall be retained at the expense of the owner and the appraisal of the unit shall be conducted within 21 days of the Tenant exercising their Option to purchase a unit.

## APPENDIX "C"

The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to Purchase shall be prepared by the Owner and registered by the Owner at its expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

(d) If the Director of Planning and Development receives a declaration from the Owner that a Tenant named in Appendix "A" has not, or does not want, to enter into the said lease or the said Option or both of them, or that the Tenant has vacated the rental unit, the Director of Planning and Development shall send by registered mail to the Tenant at the rental unit listed in Appendix "A", a Notice that the Tenant's rights to the lease or Option, as the case may be, shall cease within twenty-one days of the mailing of the Notice unless the Tenant is still in possession of the premises and has within the said twenty-one day period, collected such document from the Owner and returned to the Owner a copy of the document signed by the Tenant. The Owner shall sign and return the document to the Tenant in accordance with the other time limits of this approval.

## APPENDIX "D"

The following is the impact on the rental apartment vacancy rate (in buildings with 6 or more units), for the City as a whole and by CMHC rental zone, should the nine Rental Housing Protection Act applications submitted by Megna Real Estate Limited be approved by City Council.

| | Total Units | No. of Vacant Units |
|---|---|---|
| 174 Herkimer St. (CD-95-001) | 19 | 0 |
| 93 Emerald St. S. (CD-95-002) | 20 | 0 |
| 2373 King St. (CD-95-003) | 39 | 4 |
| 41-43 Albert St. (CD-95-004) | 12 | 1 |
| 352 Hunter E./122 Emerald S. (CD-95-005) | 22 | 7 |
| 293 Mohawk Rd. East (CD-95-006) | 24 | 1 |
| 97 & 101 Connaught Ave. S. (CD-95-007) | 12 | 0 |
| 141 Catharine St. S. (CD-95-008) | 57 | 14 |
| 30 Summit Avenue (CD-95-009) | 38 | 0 |
| **Total:** | **243** | **27** |

1. Impact on Vacancy Rate - City of Hamilton

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, April, 1995: | 30,897 |
| No. of Vacant Units: | 736 |
| Vacancy Rate, April, 1995: | 2.382% |

b) *If All 243 Units under the nine applications were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 30,654 |
| No. of Vacant Units: | 717 |
| Vacancy Rate, after units removed: | 2.339% |

Therefore, removing these units from the rental stock in the City of Hamilton would reduce the vacancy rate by 0.043%.

2. Impact on Downtown Core - Zone 1

Four of the applications submitted are within Zone 1 - Downtown Core, as defined by CMHC. These applications are: 174 Herkimer Street, 93 Emerald Street South, 352-356 Hunter Street East and 122 Emerald Street South, and 141 Catharine Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 10,665 |
| No. of Vacant Units: | 314 |
| Vacancy Rate, October 1994: | 2.944% |

b) *If All Zone 1 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 10,547 |
| No. of Vacant Units: | 304 |
| Vacancy Rate, after units removed: | 2.882% |

Therefore, removing these units from the rental stock in the Downtown Core Zone would reduce the vacancy rate by 0.062%.

3. Impact on Hamilton Central East - Zone 2

Three of the applications submitted are within Zone 2 - Central East, as defined by CMHC. These applications are: 2373 King Street East, 41-43 Albert Street, and 97 and 101 Connaught Street South.

a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 3,312 |
| No. of Vacant Units: | 99 |
| Vacancy Rate, October 1994: | 2.989% |

b) *If All Zone 2 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 3,249 |
| No. of Vacant Units: | 94 |
| Vacancy Rate, after units removed: | 2.893% |

Therefore, removing these units from the rental stock in the Central East Zone would reduce the vacancy rate by 0.096%.

3. Impact on Hamilton Mountain - Zone 6

Two of the applications submitted are within Zone 6 - Hamilton Mountain, as defined by CMHC. These applications are: 293 Mohawk Road East and 30 Summit Avenue.

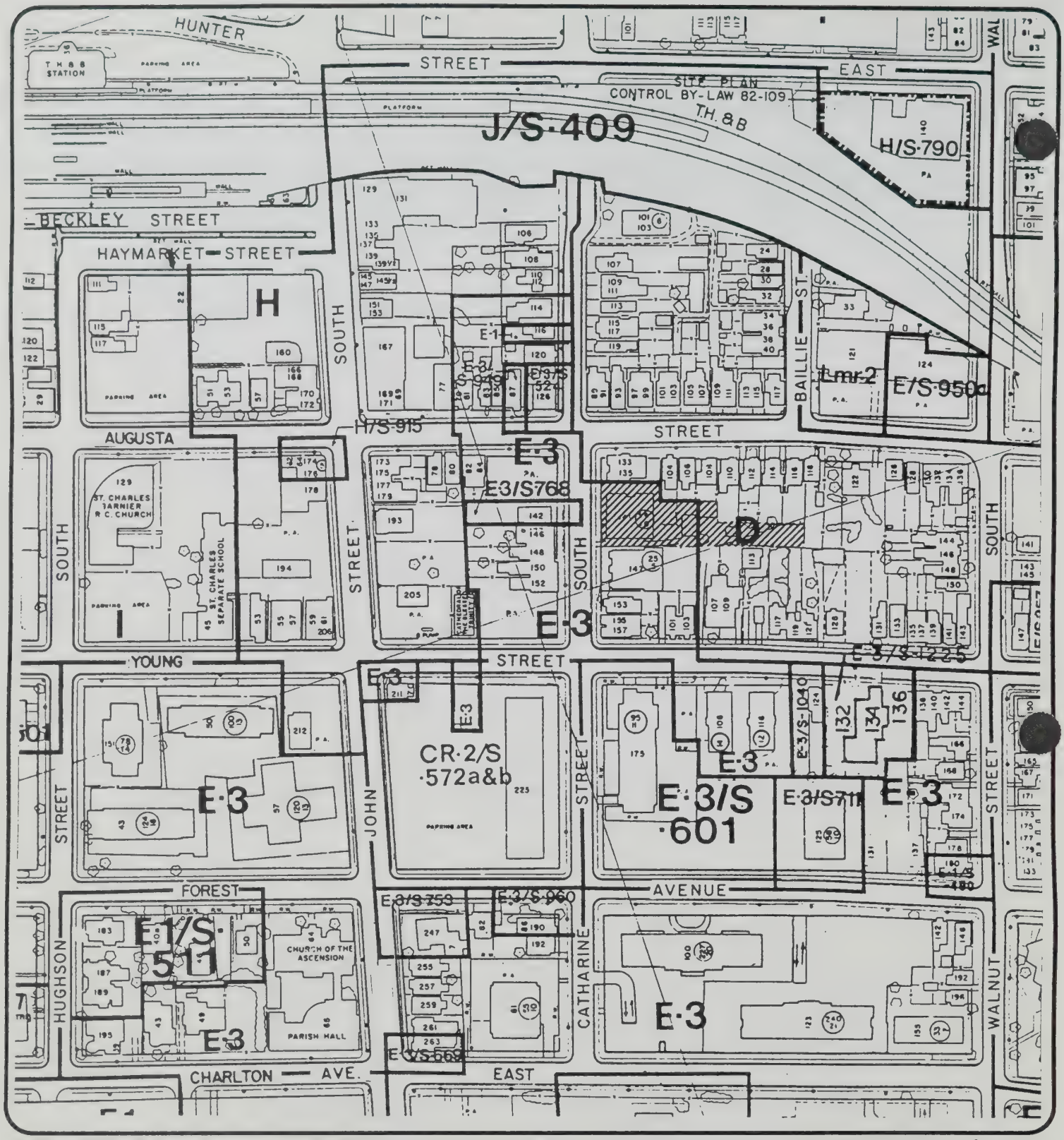
a) *Current Vacancy Rate*

| | |
|---|---|
| Total Rental Units, October 1994: | 7,182 |
| No. of Vacant Units: | 63 |
| Vacancy Rate, October 1994: | 0.877% |

b) *If All Zone 6 Units were approved for conversion:*

| | |
|---|---|
| Total Rental Units: | 7,120 |
| No. of Vacant Units: | 62 |
| Vacancy Rate, after units removed: | 0.871% |

Therefore, removing these units from the rental stock in the Hamilton Mountain Zone would reduce the vacancy rate by 0.006%.




# City of Hamilton

## Key Map

### Rental Housing Protection Act

141 Catharine Street South

Planning and Development Department

**Legend**

Location of Subject Lands

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | CD-95-008 |
| | Date: JUNE 1995 | Drawn By: Z.K. |

4.

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 21
(OPA130; P5-2-5)

*REPORT TO:* Mrs. Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Project Status Update for Official Plan Amendment No. 130: Albion Falls Neighbourhood

***RECOMMENDATION:***

That the Regional Municipality of Hamilton-Wentworth be requested to include the provision of water and sewer services to the Albion Falls area, covered by Official Plan Amendment No. 130, within the Region's 1996-2005 Capital Budget.

V. Abraham J. G. Pavelka

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

Servicing costs will have to be determined by the Regional Municipality of Hamilton-Wentworth. Local improvement charges for the services will be applicable to the lands to be serviced.

***BACKGROUND:***

City Council adopted Official Plan Amendment No. 130, regarding a portion of the Albion Falls Neighbourhood, on March 23, 1995. This amendment redesignated a portion of the neighbourhood from "Open Space" to "Residential".

*CURRENT PROJECT STATUS:*

- Servicing

  Staff of the Planning and Development Department met with staff from the Region (Environmental Services Department and Special Projects Office) regarding servicing and the Red Hill Creek Expressway construction impacts on servicing the Albion Falls area. The meeting was held to ensure that the Red Hill Creek Expressway construction will not impede the Region's ability to service the Albion Falls area. Preliminary matters have been addressed (such as the existing watermain on Arbour Road). Other matters, such as the location of the services for existing development that is not currently serviced as well as new development will be addressed in the preparation of the neighbourhood plan.

  Staff of the Environmental Services Department have advised that servicing for the Albion Falls area is not currently within the Region's ten year Capital Budget. The Region will begin its work on the 1996 Capital Budget later in the summer. At this time, it is appropriate for City Council to request that servicing for the Albion Falls area be included in the ten year capital budget.

- Official Plan and Neighbourhood Plan

  The amendment was submitted to the Regional Municipality of Hamilton-Wentworth, for approval, on April 12, 1995. The Region has circulated the amendment to various agencies for comments. The comments to date include:

  - Hamilton Region Conservation Authority - the Authority, at this time, is maintaining its opposition to the amendment;
  - Niagara Escarpment Commission - the Commission staff are recommending the inclusion of a setback from the top of bank of the Red Hill Valley;
  - Health Department - as the lands are currently privately serviced, the Health Department has advised that new, unserviced development will require a minimum lot sizes in the area of 0.8 hectares; and,
  - Bruce Trail Project - staff of the Project would like to see a balance of open space and residential within the amendment area. Specific concerns relate to providing a continuous open space link in the north-west corner of the amendment area.

  Staff of the Planning and Development Department have advised the Region that the majority of the comments provided to date will be incorporated within the neighbourhood plan for the area. Discussions with staff of the Parks Division have taken place regarding the open space linkage and the need for park space. All of these issues will be incorporated into the neighbourhood plan. The first draft of the neighbourhood plan is currently being prepared by staff.

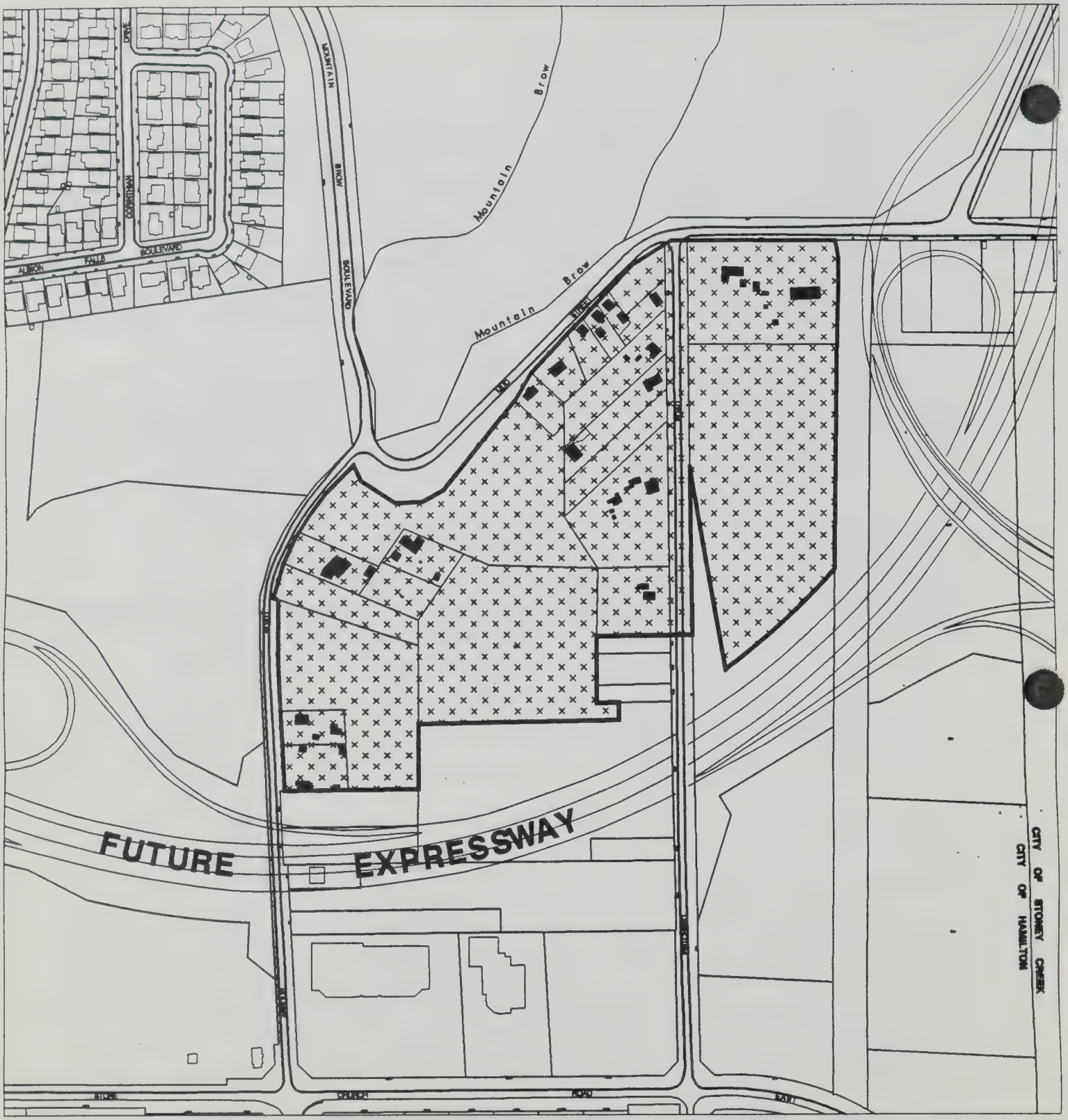
Staff also attended the meeting of the Environmentally Sensitive Areas Impact Evaluation Group (ESAIEG) regarding Amendment No. 130. ESAIEG is mandated by the Regional Official Plan to review planning proposals that are within or adjacent to Environmentally Sensitive Areas. The Albion Falls area under Amendment No. 130 is adjacent to the Red Hill Creek Valley ESA. The discussions at ESAIEG focused on the issues of stormwater management and provision of an open space link to the ESA to the west and north of the amendment area. ESAIEG members also recommended that an Environmental Impact Statement be completed prior to the amendment being forwarded to Regional Council

Staff of the Planning and Development Department have advised the Region that, in staff's opinion, the Environmental Impact Statement is not necessary at this time. The issues identified by ESAIEG, stormwater management and the open space linkage, will be addressed through the preparation of the neighbourhood plan. City staff continue to work with the Region to ensure that Amendment No. 130 is being processed.

*CONCLUSION:*

On the basis of the foregoing, it would be appropriate for City Council to request the Region to include servicing of the Albion Falls Area within the ten year Capital Budget.

MLT/




Area to be serviced

Prepared by the Planning and Development Department

5.

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 June 22

**REPORT TO:** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** Mr. Len C. King, P. Eng.
Building Commissioner

**SUBJECT:** Permits for Replacement of Furnaces
(95.2.4.2.1.A & By-Law 93-167)

**RECOMMENDATION:**

That By-Law 93-167 to authorize building permits and fees be amended by adding item 2(a) from Schedule "A".

2(a) permit for the replacement of a furnace for a single family dwelling $75.00.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Additional revenue is anticipated from this new permit fee.

**BACKGROUND:**

At the present time, the City of Hamilton has no requirement to obtain a building permit for furnace replacement for a single family dwelling. However, the Building Code Branch of the Ministry of Housing has written a bulletin in their newsletter which states that: "It is the branch opinion that new/replacement furnaces should be considered to be new building systems as described in Part 11 of the Ontario Building Code. Therefore, a permit should be required under Section 7 of the Building Code Act".

Last month, our Department conducted a survey regarding permits for replacement of furnaces among the area municipalities, and we found out most of them do require a permit for replacement of furnaces.

WKW/zr

6.

# CORPORATION OF THE CITY OF HAMILTON

## CITY CLERK'S OFFICE

**********

TO: Stella Glover, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Kevin C. Christenson, Secretary
Transport and Environment Committee

OUR FILE:
PHONE: 546-2728

SUBJECT: **Public Meetings - Greeningdon Neighbourhood - Closure of Ridge Street North of Limeridge Road**

DATE: 1995 June 23

The Parks and Recreation Committee at its meeting held 1995 June 20 approved the following resolution respecting above-noted subject matter.

> "That the Planning and Development Committee be requested to hold public meetings to consider adopting a neighbourhood plan for the Greeningdon Neighbourhood that would include the closure of Ridge Street north of Limeridge Road."

Attached for your information is a copy of the report from the City Engineer respecting this matter.

Would you please ensure that this item is presented to the Planning and Development Committee for its consideration.

KCC/mjw

Attachment

# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1995 June 15
G. Aston

**REPORT TO:** Mr. Kevin C. Christenson, Secretary
Transport and Environment Committee

**FROM:** E. M. Gill, P. Eng.
Senior Director
Roads Department

D. Lobo
Commissioner of Public Works and Traffic
Department of Public Works and Traffic

**SUBJECT:** Closure of Ridge Street (R-95-40)

**RECOMMENDATION:**

That the Planning and Development Committee be requested to hold public meetings to consider adopting a neighbourhood plan for the Greeningdon neighbourhood that would include the closure Ridge Street north of Limeridge Road.

D. Lobo

per E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

Cont'd...2

**BACKGROUND:**

We have received a petition by a substantial number of residents on Ridge Street requesting that Ridge Street be closed immediately north of Limeridge Road. This petition was in response to a recent public meeting held concerning the timing of the opening of the Red Hill Creek Expressway. The concern is that traffic on Limeridge Road would be diverted north on Ridge Street once Limeridge Road is closed immediately west of Ridge Street in 1997/98 prior to the opening of the Expressway.

The closure of Ridge Street will have the effect of diverting traffic to other streets and a full public meeting to review the impacts should be undertaken. As there is at present no approved neighbourhood plan for Greeningdon neighbourhood, it would be appropriate to utilize that process to solicit the input from the area residents.

:ga

# CONSENT AGENDA

## PLANNING AND DEVELOPMENT COMMITTEE

**Wednesday, 1995 July 5th**
**9:30 o'clock a.m.**
**Room 233, City Hall**

A. **ADOPTION OF THE MINUTES**

Minutes of the Planning and Development Committee Meeting held 1995 June 21

B. **CHIEF ADMINISTRATIVE OFFICER/DIRECTOR, PLANNING AND DEVELOPMENT DEPARTMENT**

(i) Mountview Neighbourhood Mediation Process - Lands of Chedoke Health Corporation

(ii) Public Participation Guidelines for the City of Hamilton

(iii) Extension of Draft Plan Approval "Ridgeview Estates" Subdivision, 25T-76046.

C. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Information Items

Wednesday, 1995 June 21st
9:30 o'clock a.m.
Room 233, City Hall

A.

**The Planning and Development Committee met.**

**There were present:** Alderman D. Drury, Chairperson
Alderman F. D'Amico, Vice-Chairperson
Alderman H. Merling
Alderman B. Charters
Alderman G. Copps
Alderman W. McCulloch
Alderman M. Caplan
Alderman F. Eisenberger

**Regrets:** Mayor Robert M. Morrow

**Also present:** Alderman T. Jackson
Alderman B. Morelli
P. Mallard, Planning Department
V. Abraham, Director of Local Planning
B. Janssen, Planning Department
V. Grupe, Planning Department
P. Lampman, Building Department
D. Powers, Law Department
E. Chajka, Transportation & Environmental Services
A. Zuidema, Law Department
R. Karl, Traffic Department
J. Sakala, Planning Department
B. Chrystian, Public Works
M. Tanner, Planning Department
H. Milsome, Public Works
M. Watson, Real Estate
Susan K. Reeder, Acting Secretary

1. **Zoning Application 95-09, by Thomas S. Loth, owner, for a modification to the established "C: District regulations, for property located at No. 207 Fairleigh Avenue South**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 June 13th respecting the above-noted matter.

The Committee was also in receipt of letters of objection to the proposed zoning change from John and Doris Davidson, 213 Fairleigh Avenue South; Linda Etty, 206 Fairleigh Avenue South; E. Joyce Newman, 218 Fairleigh Avenue South; Randy and Miriam Smith, 127 Delaware Avenue; Murray and Hazel Awde, 210 Fairleigh Avenue South. The Committee received these submissions for information.

The owner and applicant for the property was not in attendance.

The Committee approved the following denial recommendation:

> That Zoning Application ZAC-95-09, Thomas S. Loth, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the existing three-family dwelling (triplex), for property located at 207 Fairleigh Avenue South, as shown on the attached map marked as Appendix "A", be denied on the following basis:
>
> (a) The proposal does not comply with the Approved St. Clair Neighbourhood Plan, which designates the subject lands "Single and Double Residential"; and,

(b) The proposal conflicts with Council adopted policy regarding Housing Intensification and the implementing Zoning By-law No. 92-281, which permit conversions of single-family dwellings as-of-right in all low density residential zones, for one additional unit. In this regard, it is Council policy to allow conversions in "C" (Urban Protected Residential, etc.) Districts for a maximum of two dwelling units (ie. duplex); and,

(c) The proposal represents the intrusion of a three-family dwelling into the interior of a predominantly one and two-family dwelling neighbourhood. Furthermore, the inability to provide parking in accordance with Zoning By-law standards increases the demand for on-street parking. In this regard, the proposal has the potential to alter the character of the low density residential neighbourhood; and,

(d) Approval of this application may encourage other similar applications, which, if approved, would undermine the intent and purpose of the Zoning By-law.

2. (a) **Rental Housing Protection Act - Application CD 95-004 - 41-43 Albert Street, Blakely Neighbourhood**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 June 8th respecting the above-noted matter.

The Committee approved the following:

(a) That approval be given to Application CD-95-004, under the Rental Housing Protection Act, Sachetta Investments, owner, for conversion of 12 rental apartment units to condominium units for the property located at 41-43 Albert Street, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "B" as herewith attached, the right to lease their current unit, noted in Appendix "B", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "B", upon the following minimum terms:

(1) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

(2) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(3) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(5) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(ii) That the Owner grant to the Tenants named in Appendix "B" an Option to Purchase a Unit specified in Appendix "B", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "C" annexed hereto; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(iv) That this RHPA approval shall cease and be at an end:

(1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "B", "C" and "D" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

**Note: Alderman Merling opposed**

2. (b) **Rental Housing Protection Act - Application CD 95-005 - 352-356 Hunter Street East, 122 Emerald Street South**

The Committee was in receipt of a report from the Director of Local Planning and the Chief Administrative Officer dated 1995 June 13th respecting the above-noted matter. The staff recommendation was to deny the application.

Following discussion the Committee agreed the approve the application as follows:

(a) That approval be given to Application CD-95-005, under the Rental Housing Protection Act, Roy Megna (In Trust for Guiseppe Megna), owner, for conversion of 22 rental apartment units to condominium units for property located at 352 - 356 Hunter Street East and 122 Emerald Street South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "E", the right to lease their current unit, noted in Appendix "E", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "E" herewith attached, upon the following minimum terms:

(ii) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

(iii) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(iv) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(v) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(vi) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty.

(vii) That the Owner grant to the Tenants named in Appendix "E" an Option to Purchase a Unit specified in Appendix "E", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "F" attached herewith; and,

(viii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(ix) That this RHPA approval shall cease and be at an end:

(1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton;

(x) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "E", "F" and "G" attached herewith) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(xi) That in the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(xii) That the Owner provide the City Solicitor with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(xiii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

**Note: Alderman Merling opposed**

**2. (c) <u>Rental Housing Protection Act - Application CD 95-007 - 97-101 Connaught Avenue South</u>**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 June 13th recommending denial of the above noted application.

Following discussion, the Committee agreed to approve the application as follows:

(a) That approval be given to Application CD-95-007, under the Rental Housing Protection Act, Meroc Developments (In Trust), owner, for conversion of 12 rental apartment units to condominium units for the property located at 97-101 Connaught Avenue South, subject to the following conditions:

(i) That the Owner offer, in writing, to the Tenants named in Appendix "H" herewith attached, the right to lease their current unit, noted in Appendix "H", for a period of not less than three years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "H", upon the following minimum terms:

(1) That the Offer must be made within 45 days of the date this resolution is approved by City Council and shall be open for acceptance by the Tenants for a period of at least 30 days; and,

(2) That leases entered into as a result of (1) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

(3) That the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

(4) That such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(5) That the Tenants' may terminate the said lease at any time on 60 days written notice, without penalty; and,

(ii) That the Owner grant to the Tenants named in Appendix "H" an Option to Purchase a Unit specified in Appendix "H", (together with appurtenant interests). Such Option shall allow each tenant at least three years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner, which Agreement shall incorporate the conditions in Appendix "I", herewith attached; and,

(iii) That the Tenant shall have 30 days from receipt of such Option to sign and return to the Owner a copy of the Option acknowledging that he is interested in having the Option in his/her favour and acknowledging that he/she realizes that a formal Notice in writing to the Owner signed by the Tenant shall be received by the Owner on or before the date for such Notice specified in the Option; and,

(iv) That this RHPA approval shall cease and be at an end:

(1) If the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) In any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "H", "I" and "J", attached herewith) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) That in the event that the Owner proposes to sell all of the subject lands, he shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval; and,

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

**Note: Alderman Charters opposed.**

3. **Chief Administrative Officer/Director of Planning and Development**

**(a) Site Plan Control Application DA92-04 by P. Barnett Construction Limited to amend DA83-35 and DA81-52 to eliminate the access from Landron Avenue for an existing apartment building at 700 Upper Kenilworth Avenue.**

The Committee was in receipt of a report from the Director of Planning and Development and the Chief Administrative Officer dated 1995 May 26th respecting the above-noted matter.

Some discussion ensued with Mr. Barnett who was in attendance. Following discussion, the Committee agreed to leave the site plan as it is presently is, thereby leaving the fence and the approach as they current exist.

**(b) Proposed Draft Plan of Condominium by Benemar Construction "Benemar Condominium"**

The Committee was in receipt of a report from the Director of the Planning and Development Department and the Chief Administrative Officer dated 1995 June 13th respecting the above-noted matter.

The Committee approved the following:

(a) That approval be given to application CDM-95-02 (Regional File 25CDM-95006), Benemar Construction, owner, to establish a draft plan of condominium "Benemar Condominium", located at the north-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 1809 Upper Wentworth Street, as shown on the attached map marked as Appendix "K", subject to the following conditions:

(i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated 1995 March 23, showing a total of 33 residential townhouse units; and,

(ii) That the owner provide connections to the existing watermains on Vineberg Drive and Upper Wentworth Street in order to loop the private watermain within the development to the satisfaction of the City of Hamilton; and,

(iii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on 1994 November 24, under application DA-93-33; and,

(iv) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to registration of the Final Plan of Condominium; and,

(v) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of City Council's decision.

4. **Commissioner of Public Works and Traffic Department**

(a) **International Village Business Improvement Area - B.I.A. - Revised Schedule of Payment for 1995**

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic Department dated 1995 June 1 respecting the above-noted matter. The Committee approved the following:

That the originally approved Schedule of Payment for International Village B.I.A.'s 1995 Operating Budget in the amount of $46,376. be revised as follows:

| | | |
|---|---|---|
| (a) | 1995 January 01 | $23,188. |
| (b) | 1995 July 01 | $23,188. |

(b) **Crown Point East/McAnulty Neighbourhoods - Community Improvement Plan**

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic Department dated 1995 June 13th respecting the above-noted matter. The Committee approved the following:

(a) That the Community Improvement Plan, attached herewith and marked Appendix "L", for the Crown Point East/McAnulty Neighbourhoods be approved; and,

(b) That the Community Improvement Plan be submitted to the Ministry of Municipal Affairs for approval; and,

(c) That the Commissioner of Public Works and Traffic Department be authorized and directed to make application to the Province of Ontario under the Jobs Ontario Program in the amount of $132,000.; and,

(d) That should the application under Jobs Ontario prove unsuccessful, that the Commissioner of Public Works and Traffic Department be authorized to proceed with implementation of revitalization efforts utilizing the $400,000. municipal allocation that is existing in Account Number CF 42000 429407001 (Crown Point East/McAnulty, Phase 1); and,

(e) That the City Solicitor be authorized and directed to prepare the appropriate By-law.

5. **Building Commissioner**

**(a) Barton Street Revitalization - Mural**
**B(iv) Commercial Loan Program - 470 Barton Street East**
**B(v) Commercial Loan Program - 228 Barton Street East**
**B(vi) Commercial Loan Program - 293 Barton Street East**

The Committee was in receipt of a number of reports from the Building Commissioner as noted above respecting the Barton Street Revitalization.

Dave Powers of the Law Department advised that a number of amendment with the appropriate legal provisions should be added to the Commercial Loan Program resolutions. The Committee then approved the following resolution:

(a) (i) That the budget, as outlined in Appendix "M" herewith attached, be approved for the mural component of the Barton Street Revitalization Program, and;

(ii) That the City Treasurer be authorized and directed to forward $16,000. ($20,000. - 20% holdback) for the mural component to the Barton Street B.I.A. The outstanding balance of $4,000. to be forwarded upon submission of a statement of account.

(b) (i) That a Commercial Loan in the amount of twenty one thousand, and forty-four dollars ($21,044.) to John Hilger for improvements to 470 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over ten years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of ten thousand, five hundred and twenty-two dollars ($10,522.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(c) (i) That a Commercial Loan in the amount of five thousand ($5,000.) to Kenesky Sports & Cycle for exterior storefront improvement to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(d) (i) That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Kenesky Sports & Cycle Co. Ltd., for rehabilitation to 228 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(e) (i) That a Commercial Loan in the amount of twenty-five thousand dollars ($25,000.) to Keith and Margaret Cody for rehabilitation to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over 10 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand and five hundred dollars ($12,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program, and;

(f) (i) That a Commercial Loan in the amount of five thousand hundred dollars ($5,000.) to Keith and Margaret Cody for exterior storefront improvements to 293 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 percent, amortized over as period less than 7 years, and;

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand and five hundred dollars ($2,500.) be utilized to pay-down this Commercial Loan as per the terms of the Barton Street Revitalization Program.

(g) That the grants to business land owners referred to above be subject to the following conditions being fulfilled:

(i) Preparation and enactment of a By-law in a form satisfactory to the City Solicitor to amend By-law No. 88-12, being the By-law to adopt "The Barton General Community Improvement Plan" in order that the Plan may include the revised Barton Street Revitalization Program adopted by Council on 1995 March 28 (Section 2, 10th Report, Planning & Development Committee), including the following points:

(1) Grants to business land owners who have Commercial Loans from the City for a sum of up to 1/2 of the outstanding loan principal of a loan made for the purpose of paying for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan; and,

(2) Grants to business land owners who intend to rehabilitate their lands and buildings in conformity with the Community Improvement Plan to cover the cost of building permit fees, Committee of Adjustment applications, Property compliance Reports due the City; and,

(3) Grants to business land owners to cover all or a portion of the cost of decorative murals to be erected on their lands to re-habilitate these lands and buildings in conformity with the Community Improvement Plan.

(ii) That the Building Department be authorized to hold the public meeting and take the other steps required by the Planning Act prior to the enactment of the said amending by-law to amend the Barton General Community Improvement Plan; and,

(iii) That the by-law shall be submitted to Council for enactment and the City Solicitor be authorized to submit the amending by-law for the approval of the Minister of Municipal Affairs; and,

(iv) That following Ministerial approval to the amending by-law, the City Solicitor also be authorized to apply to the Minister of Municipal Affairs pursuant to sec. 28(8) of the Community Improvement provisions of the Planning Act for approval to be granted to the City by the Minister to permit the City to make the grants (and offer the other assistance to the business land owners) provided for in the Barton General Community Improvement Plan, as amended, that would otherwise be bonuses prohibited by section 111(1) of the Municipal Act; and,

(h) That the Building Commissioner and the City Solicitor be authorized to prepare a report to the Planning and Development Committee on the private legislation that would be required from the Province to enable the City to implement those provisions of the Barton Street Revitalization Programme which would provide grants and other financial benefits to business tenants in the Barton Street Community Improvement area.

**Note: Alderman Copps opposed.**

5. (b) **Building Commissioner - Demolition Permits for One and Two Family Dwellings**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 9 respecting the above-noted matter. The Committee approved the following:

That Section 14 of the Fourteenth Report of the Planning and Development Committee approved by City Council on 1983 June 28 which authorized the Planning and Development Committee to deal with demolition permit applications during the summer months of June, July and August be rescinded in order to ensure that all demolition permits receive Council approval prior to issuance.

5. (c) **Building Commissioner - Retaining Walls - Greencedar Drive and Firenze Street**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 20th respecting the above-noted matter.

Considerable discussion ensued on this report. Section 2 of the report recommended removing the income level limitations and including legal and engineering fees for eligible funding. This section was deleted.

The Committee then approved the following:

That the required capital of $120,000. for loans to repair retaining walls on Greencedar Drive and Firenze Street, be referred to the Committee of the Whole for reconsideration from the 1995 Capital Budget.

6. **L.A.C.A.C. - Victoria Hall/MacKay Building (The Foster Building) - Request for independent assessment**

The Committee was in receipt of a report from the Secretary of L.A.C.A.C. dated 1995 June 16th respecting the above-noted matter.

Following discussion, the Committee approved the following:

(a) That the City of Hamilton retain an independent real estate appraisal of the Victoria Hall/MacKay Building (the Foster Building) located at 66 and 68 King Street East, in an amount not to exceed $2,500.; and,

(b) That this expenditure be charged to Account No. CH 00120 - Acquisition of Historic Properties.

7. **Selection Committee - Appointments to L.A.C.A.C. and C.A.P.I.C.**

The Committee was in receipt of a report from the Secretary of the Selection Committee dated 1995 June 19th.

The Committee approved the following:

(a) For the information of the members of City Council, the Planning and Development Committee have appointed the following to serve on the Central Area Plan Implementation Committee for a term to expire 1997 November 30:

(i) Greg Fraleigh
(ii) Xiaoyin (Sherry) Wang
(iii) Alderman M. Caplan

(b) For the information of the members of City Council, the Planning and Development Committee have appointed the following to serve on the Local Architectural Conservation Advisory Committee for a term to expire 1997 November 30:

(i) Robert Brough
(ii) Diane Dent
(iii) Robert D. Hamilton
(iv) J. Brian Henley
(v) John Mokrycke
(vi) Jane Rigby
(vii) J. Jeffrey Steadman
(viii) Reg Wheeler
(ix) Alderman W. McCulloch
(x) Alderman F. D'Amico

8. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The Committee was in receipt of the minutes of its meeting held Wednesday, 1995 May 24th and approved these minutes as circulated.

B. **BUILDING COMMISSIONER**

(i) **Demolition Permit - 35 Dickson Street**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 9th respecting the above-noted matter, and approved the following:

That the Building Commissioner be authorized to issue a demolition permit for 35 Dickson Street in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) **Commercial Loan Program, 35 King Street East**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 9th respecting the above noted matter, and approved the following:

That a Commercial Loan in the amount of twenty five thousand dollars ($25,000.) to Park Place Partnership for improvements to 35 King Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.

(iii) **Commercial Loan Program, 213-217 Ottawa Street North**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 9th respecting the above noted matter, and approved the following:

That a Commercial Loan in the amount of thirty seven thousand, two hundred and thirty-six dollars ($37,236.) to 914914 Ontario Inc., operating as Fred Gregory Florist, for improvements to 213, 215, 217 Ottawa Street North be approved subject to the fulfilment of the borrowing requirements of the Commercial Loan Program. The interest rate is set at 4 1/2 per cent, amortized over ten (10) years.

(vi) **City of Hamilton Heritage Programme, 112 Aberdeen Avenue**

The Committee was in receipt of a report from the Building Commissioner dated 1995 June 12th respecting the above noted matter, and approved the following:

(a) That the Building Department be authorized and directed to process an increase of $2,590. in the loan to Keltie Lynn Law of 112 Aberdeen Avenue under the Community Heritage Trust Fund, from the previously approved amount of $2,789. to $5,379. which loan shall have an interest rate of 3 1/2% amortized for ten years with two 5 year terms, and;

(b) That the Building Department be authorized and directed to process an increase of $410. in the Designated Property Grant to Keltie Lynn Law, of 112 Aberdeen Avenue from the previously approved $2,590. to $3,000.

C. **COMMISSIONER OF PUBLIC WORKS AND TRAFFIC - Seventh Annual Public Service Announcement Competition: Phase IV of the Downtown Hamilton Action Plan**

The Committee was in receipt of a report from the Commissioner of Public Works and Traffic Department dated 1995 June 13th respecting the above-noted matter, and approved the following:

(a) That the following prizes be awarded to the Mohawk College broadcasting students for their submissions in the Phase IV, Downtown Action Plan, Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

(i) First Prize: Richard Belletti;
(ii) Second Prize: Jane Hicks;
(iii) Third Prize: Sandra McCallum; and,

(b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $700., second prize at $500., and third prize at $300., and a donation to Mohawk College Media Studies Department of $1,500. for development of the videos and use of equipment.

D. CITY ENGINEER - Final Lot Grading and Sodding Contract for Various Subdivisions during 1995

The Committee was in receipt of a report from the City Engineer dated 1995 June 6th respecting the above noted matter, and approved the following:

(a) That the Purchasing Manager be authorized and directed to issue purchase orders to Crescan Landscape Ltd., P.O. Box 4056, Station D, Hamilton, on behalf of the Treasury and the Building Departments, based on prices Quotation C18-1-95 and revised prices as indicated in their letter dated 1995 May 17, to provide final lot grading and sodding as and when required during 1995 in various subdivisions, being the lowest of four quotations received in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation, and be financed through Lot Grading Deficiencies Subdivision Account No. PR53700090; and,

(b) That Section 9 of the Thirteenth Report of the Planning and Development Committee as approved by City Council on 1995 May 9, be rescinded.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE - Information Items

The Committee was in receipt of a report from the Secretary of the Planning and Development Committee dated 1995 June 15th respecting Information Items.

The Committee approved the following:

That the following Information Item, which had been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Information Report dated 1995 June 6 from the Director of Planning and Development respecting Approved Site Plan Control Applications.

ADDED - West Harbourfront Development Study Concept Plan

The Committee was in receipt of a memorandum from the Secretary of the Parks and Recreation Committee dated 1995 June 20th respecting the above-noted matter.

Reference was also made to correspondence sent by the Chairperson of the Central Area Plan Implementation Committee dated 1995 June 15th to all members of the Planning and Development Committee respecting CAPIC's comments on the West Harbourfront Development Study.

Considerable discussion ensued on the role to be played by the planning staff and the Planning and Development Committee on the land use for the West Harbourfront. The Committee approved the following:

That the Planning staff be directed to participate with the Department of Public Works and Traffic/Parks Division in the arranging and attendance of meetings required to represent the West Harbourfront Development Study Concept Plan.

ADDED - Staff participation on the Social Planning and Research Council

Alderman Caplan spoke to the Committee and thanked Bill Janssen of the City's Planning Department for his recent volunteering to serve on the Social Planning and Research Council.

9. PRIVATE AND CONFIDENTIAL AGENDA

The Committee then moved In Camera to discuss its Private and Confidential Agenda.

The Committee moved back into regular session, and approved the following:

BB. BUILDING COMMISSIONER - Commercial Loan Program - registration of loan on tax rolls - Agommen Ltd., c/o A. Ammendolia, M. Nusca, G. Piccini and F. Zanette - 283-287 King Street East

That the total outstanding Commercial Loan for Agommen Ltd., c/o A. Ammendolia, M. Nusca, G. Piccini and F. Zanette, 283 - 287 King Street East, in the amount of twenty nine thousand, three hundred and sixty-nine dollars and sixty-eight cents ($29,369.68) be placed on the tax rolls.

11. ADJOURNMENT

**There being no further business, the meeting then adjourned.**

**Taken as read and approved,**

**Alderman D. Drury, Chairperson**
**Planning and Development Committee**

Susan K. Reeder.

**Susan K. Reeder,**
**Acting Secretary**
**1995 June 21**

B (i)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 15
(OPA-MTV)

*REPORT TO:* Mrs. Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Mountview Neighbourhood Mediation Process - Lands of Chedoke Health Corporation

*RECOMMENDATIONS:*

1. That the process outlined in the Terms of Reference for the Mountview Mediation Committee, attached as Appendix "A" to this report, be received;

2. That the following members of the Committee be endorsed:

| | |
|---|---|
| Pam Accadia | Mountview Neighbourhood |
| Patrick Chetcuti | Mountview Neighbourhood |
| Jim Jackson | Mountview Neighbourhood |
| Les Jagodich | Mountview Neighbourhood |
| Susan Penrose | Mountview Neighbourhood |
| Marianna Schroeder-Sawchyn | Mountview Neighbourhood |
| Eric Grove | Westcliffe West Neighbourhood |
| Don May | Representative of Chedoke Health Corporation |

3. That the Committee be disbanded upon the completion of its final report to the Planning and Development Committee.

V. J. Abraham

J. G. Pavelka

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

In late 1994, May, Pirie, Dakin and Associates, on behalf of Chedoke Health Corporation, requested a mediation process be set up with a committee of neighbourhood residents. The purpose of the Committee is to attempt to resolve the issues identified by residents of the affected neighbourhoods during the review of the requested development by Chedoke Health Corporation.

A survey was sent to all residents of the affected neighbourhoods (Mountview and Westcliffe West Neighbourhoods) to ascertain if there was interest in entering mediation and, if so, to identify citizens interested in sitting on the Committee. The response was overwhelmingly in favour of forming the Committee and many residents expressed an interest in participating on the Committee.

Two meetings have taken place with the residents of Mountview and Westcliffe West Neighbourhoods since the survey was completed. The residents favoured having the selection of Committee members done by the Ward Aldermen. This process has recently been completed.

The Mountview Mediation Committee held its first meeting on June 12, 1995. At that time, the Terms of Reference for the Committee were established. It is appropriate for the Planning and Development Committee to receive this document at this time. It has been the practice of the Planning and Development Committee to appoint the citizens to the Committee.

The most recent review of Committees undertaken by the Planning and Development Department (in 1994), identified that neighbourhood committees should be considered as "Task-Oriented" committees. At the conclusion of their work, the Committee would be disbanded. The recommendation for a "sunset" on the committee is in keeping with the newly established guidelines for task-oriented committees.

Once the Committee has completed its work, a report will be brought forward to the Planning and Development Committee with recommendations from the Committee.

MLT/

APPENDIX "A"

# MOUNTVIEW MEDIATION PROCESS
# TERMS OF REFERENCE

Background:

In July of 1994, Hamilton City Council denied an application for an amendment to the City's Official Plan for lands owned by Chedoke Health Corporation in Mountview Neighbourhood. The purpose of the requested amendment was to permit residential development, at a variety of densities, on the lands. During the processing of the amendment, several public meetings were held. At these meetings, numerous concerns were identified by area residents, including: servicing, traffic, school capacity, and land use.

Purpose of Committee:

The Mediation Committee is being established to review the requested amendment, the background studies, and the planning documentation prepared during the processing of the amendment. The Committee will attempt to reach consensus between the area residents, the Ward Aldermen, and Chedoke Health Corporation regarding the development of Chedoke Health Corporation's lands, in terms of the variety and density of land use.

Representation:

1. The following will be Committee members:

   - Two Ward Aldermen;
   - Six residents of Mountview Neighbourhood;
   - One resident of Westcliffe West Neighbourhood;
   - One representative of Chedoke Health Corporation.

   The meetings will be open to the public; any resident can attend the meeting.

2. The following will act in an Advisory Capacity to the Committee and as coordinators:

   - Bill Janssen, Planning and Development Department;
   - Mary Lou Tanner, Planning and Development Department.

3. The following will be available to answer questions and provide information to the Committee, as required:

   - Art Zuidema, City Law Department;
   - Keith Birch, Planning Consultant;
   - Other City and Regional Staff (Traffic, Roads, Environmental Services, Parks);
   - School Board staff;

- Consultants who prepared studies for Chedoke Health Corporation (Stormwater Management, Traffic Impact).

Process:

The Committee will be co-chaired by the Ward Aldermen. The Committee will work to consensus regarding the issues in an attempt to resolve the land use proposals. It is expected that the Committee will have seven to nine meetings in total, structured as follows:

Four Topic Meetings:

- Questions/Issues from Committee Members;
- Traffic Impacts;
- Services/Stormwater Management;
- Schools.

One or more meetings will be held to prepare alternatives for the land use around the hospital. An open house will be held for the neighbourhood residents to review the alternatives. After this open house, the Committee will finalize its land use proposal.

A separate meeting, to which all residents of both neighbourhoods will be invited, will be held with a representative of Chedoke-McMaster Hospital, to discuss the future plans for the hospital.

Timing of Meetings:

The Committee will begin its work in June with meetings set for every three weeks. Committee meetings will be held in Hamilton City Hall, from 7-9 p.m. on Thursday evenings. The meetings will be open to the neighbourhood residents, who will be notified of the topic meetings by newsletter.

Reporting to Planning and Development Committee:

The Committee will prepare a report to the Planning and Development Committee. Accompanying the Committee's report will be a staff report from the Planning and Development Department with staff comments on the Committee's report. All residents of Mountview and Westcliffe West Neighbourhoods will be invited to attend this meeting and make submissions on the reports. The Planning and Development Committee will then make a decision on the land use based on the recommendations in the two reports.

B(ii)

# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* 1995 June 19
(TC-CAP(D))

*REPORT TO:* Mrs. Stella Glover, Secretary
Planning and Development Committee

*FROM:* V. J. Abraham, M.C.I.P., R.P.P.
Director of Local Planning

J.G. Pavelka, P.Eng.
Chief Administrative Officer

*SUBJECT:* Implementation of Public Participation Policies

*RECOMMENDATIONS:*

1. That the attached document, entitled "Public Participation Policies", be adopted; and,

2. That the document be circulated to all City Departments and the Regional Municipality of Hamilton-Wentworth.

*FINANCIAL/STAFFING/LEGAL IMPLICATIONS:*

N/A

*BACKGROUND:*

At its meeting of March 24, 1993, the Planning and Development Committee directed staff to prepare implementation guidelines for public participation practices in the City of Hamilton. The guidelines have been prepared and are included in the attached document entitled "Public Participation Guidelines". These guidelines have been prepared in consultation with staff of other City Departments as well as staff of the Regional Municipality of Hamilton-Wentworth whose work involves public consultation. Staff of the Planning and Development Department have worked on the preparation of a "best practices" manual for the City. In most instances the

practices outlined in the Public Participation Guidelines are already in place. Where improvements could be made, these have been included in the guidelines. Overall, the guidelines represent a commitment to public participation and clarifies the roles, process, and expectations for all parties.

Staff of the Planning and Development Department recently attended a public participation workshop for the City of Mississauga. Planners from other communities in southern Ontario were also in attendance. The practices outlined in the guidelines were very well received. It was clear that the City of Hamilton is certainly a leader in its commitment and implementation of public participation in local government.

MLT/

# public PARTICIPATION practices

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City of HAMILTON

Planning and Development Department

June, 1995

## PRINCIPLES OF PUBLIC PARTICIPATION

- Citizens have the right to participate in the decision-making process of local government.
- Public Participation facilitates citizens to take ownership of a problem and its solution.
- There is no one "public". There are many constituents within a community and each has its own relevant opinion.
- We work towards consensus but each party must accept that another party has the right to disagree.




## PEOPLE AND THEIR ROLES

People participating in the City's public process have expectations and obligations. Here is a summary of each:

Staff

- organize the process with direction from Council.
- select the technique(s) for participation.
- organize the reporting back to Council.
- act as providers of information and answer technical questions.
- provide professional advice and input.

Council Members

- represent citizens on Council.
- are decision-makers on matters for which public input is sought.

Citizens

- seek information on the proposal/project.
- are concerned about specific impacts on their lives and their community.
- provide feedback and information from their perspective.

## SELECTING TECHNIQUES

The selection of a technique or techniques for public participation is a matter of judgement on the part of the person organizing the process and tasks. There is no right or wrong choice among the techniques. However, certain key questions should be answered in making the decision:

- What is the problem and who will decide what the solution to the problem is?
- What is to be achieved by undertaking a public participation program?

- What type of information is being sought from the public?
  - A response to a question;
  - Discussion of issues and possible solutions;
  - The identification of options/the creation of solutions;
  - Preferences among options;
  - A decision.

- Are there components of the decision that are fixed (e.g. park design - the location of the park is fixed, so the location is not the issue; rather, specifics of the design)? This should be clarified to set the parameters for discussion.

- The techniques are not mutually exclusive - more than one technique may be used to achieve the desired results.

- Design the public participation process to fit the problem. Be flexible in the implementation of the process. Revisions to the process and the selected techniques may be required as the problem is worked through.

# TECHNIQUES

Open House/Public Information Centre

- held to provide information to the public and to obtain individual feedback on a specific matter e.g. road project, park development.

- does not promote group discussion as it is generally a one-to-one discussion between a staff member and a citizen.

- should be held over a series of days and times to allow people convenient access.

- can also provide information on the project's process, timing, as well as opportunities for further public involvement.

- usually held within the project area or in the neighbourhood adjacent to the project area.

- should inclide displays of the project (graphics, maps, drawings) are available with staff present to greet attendees and answer questions.

- can include feedback in the form of oral comments; written comments on comment sheets should be available. But whether in oral or written form, an appropriate amount of time should be given to think and prepare a proper response.

Public Meeting

- is held to present a specific project or proposal to residents of an area. Can also used to present policy projects (e.g. Mobile Sign Study) to citizens.
- allows discussion of points of view from differing people. May be intimidating to some citizens if the meeting is contentious.
- is chaired by a Committee/Council member. The Chairperson should be identified and known to all in attendance.
- involves a presentation by staff or technical expert, followed by questions from the public.
- is generally information sharing and feedback - no decision is made
- should have comment sheets are available for submission to staff. Allow time for response
- should have minutes are kept; these are available to the public.



Citizen Committee

- The committee is formed for the preparation of a plan or development scheme (e.g. Park Development Plan, Community Improvement Plan). It is appropriate for a longer term thinking process. This type of process takes a longer period of time.

- The task to be accomplished should be clearly identified at the outset so that all Committee members are aware of their purpose. The time commitment involved for the commitee's work should be identified.

- Citizens are selected from representatives of the areas affected. Citizens should represent the spectrum of stakeholders in the affected area (e.g. business, ratepayers, schools, community organizations).

- Committee members should be appointed by the appropriate Standing Committee of Council and report to the standing Committee.

- Meetings should be held when convenient to most members (usually the evenings); meetings are open to the public.

- There must be a defined end point or conclusion for the Committee's work - otherwise, Committees can drag on and meet for the sake of meeting.



Workshop/Charette

- A workshop is useful when a problem requires a design solution (e.g. Ferguson Avenue).
- A general presentation as to the nature of the problem to be resolved is presented at the outset of the meeting.
- The attendees are typically broken up into smaller groups to identify alternative solutions to the problem.
- A workshop requires good facilitation of small groups and staffing to work with the small groups to encourage creativity.
- The workshop can be held over a concentrated period of time; does not allow participants to go away and think things over.
- The participants must have the same level of knowledge prior to the workshop.



Newsletter/Brochure

- is used to inform and update citizens on a particular project (e.g. Red Hill Creek Expressway, Housing Intensification Update).
- is sent to people who have expressed an interest in receiving it; persons who have attended previous open houses, workshops, meetings; people within the specific project area.
- can also be used to inform people of upcoming open houses/public information centres, meetings, project tasks.
- is generally a one-way flow of information.

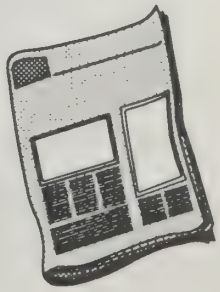
## Survey

- A survey is used to gather information about a group of people or to gather opinions (e.g. Community Renewal uses surveys to start the PRIDE process).
- Surveys require the receiver to complete it and mail it back - a lot of people do not like to do this.
- In the event of a low response rate, are the results valid?
- A survey is very labour intensive.
- Costs, such as printing and mailing, must be considered.



## Media

- are generally very good for disseminating information about a project. can also be used for informing people of meetings, media open houses etc.
- can provide a forum for a discussion of issues.





# NOTIFICATION

Who Gets Notified?

In general, the notification of the process for the public participation is dictated by the purpose of the process. For example, a road project would have defined lands to be affected and therefore the consultation with those landowners is crucial. Alternatively, other projects/proposals have a larger area of concern (e.g. a park or a neighbourhood plan) where the entire neighbourhood is affected. Consequently, who gets notified is a matter of judgement. In general, the following have arisen as the rules of thumb:

- Are there statutory requirements to be fulfilled (e.g. Planning Act)?
- Is there a defined project area? Persons living in the project area should receive a notice.
- Is there an impact beyond the project area (e.g. in a neighbourhood)? Those persons living in the impact area should receive a notice.
- Are there known community groups, business groups, or other stake holders in the project area who have an interest in the project?
- If there have been previous meetings/open houses etc., are there persons who have requested notice of future meetings?
- Notify those who may possibly be impacted by the decisions made.

How do People get Notified?

There are many options for notifying the public. The choice of how people get notified is up to the Department sponsoring the process. What is to be avoided is the perception that people were not given the opportunity to participate/comment because they did not receive information regarding the meeting. Therefore, all reasonable attempts should be made to ensure those who should receive a notice do receive a notice. Here are some guidelines and options:

- It is better to overcirculate that undercirculate. Keep records of people who were circulated.

- Mail notices to persons (both owners and tenants) affected by a project/proposal.

- Distribute notices to known gathering points in an area (e.g. library, church, corner store, school).

- Send post card notices (e.g. road projects, Committee of Adjustment) requesting a reply to a specific proposal.

- Advertising in the newspaper and/or community newsletters.

- In general, the assessment roll is used. However, the assessment is not always current regarding change in owners or for newly developing areas. If this is a concern, hand delivery of the notices, although labour intensive, may be the best solution.

- Posted sign - on the property indicating the nature of the proposal, the responsible agency, and a telephone number to contact for further details.

## What Should the Notice Say?

The notice should contain the pertinent details of the purpose of the meeting, open house etc. Notices should try to avoid jargon or technical terms - keep the language plain and understandable. The following should be the minimum contained in the notice.

- Date, time, location of the meeting, open housemust be included. Ideally this should stand out from the content of the notice.
- Who is calling the meeting?
- What is to be done at the meeting?
- Why is the public being invited at this stage?
- Who should a person call for more information - name and phone number? Be sure the person named is going to be in the office - do not put their name on the notice if they are on holidays or tied up in work that takes them out of the office.

## When Should Notices be Sent Out?

Sending notices too far in advance is problematic because people can lose the notice or forget about the meeting. The first rule is to meet all statutory requirements for notice. Second, consider how much notice is fair notice. Generally, Provincial legislation requires thirty days. However, a shorter time frame, about two or three weeks, is also adequate because the matter sticks in people's minds.

## OTHER FACTORS

Location

a) Where?

The location of the meeting is up to the person setting the process. However, it is a lot easier for people to attend if the meeting is in their neighbourhood than if the meeting is in City Hall. Choices for locations could include churches, schools, recreation centres, and libraries. Try and estimate the maximum number of people who will show up and accommodate at least that many in the selected location. Be sure the location is accessible.



b) Set-Up

The room set-up is important in implementing the type of participation being undertaken. For example, open houses are set up differently from public meetings.

These are some general guidelines:

- Consider the room and the purpose of the meeting - what is the best layout of material and location of staff for people coming to the meeting?
- Be sure the room is well-lit in order for people to read the displays.
- Remember room acoustics - will speakers be able to be heard? Do you need a sound system for presenters and questioners?

- If you are breaking into smaller groups, be sure that the acoustics of the room are such that each small group has its own privacy and the members of the groups can hear each other.

When to Hold the Meeting/Open House, etc.

From experience, the following are the rules of thumb respecting open houses, meetings, etc.:

- Do not hold them on the weekends (Friday, Saturday, Sunday).
- Do not hold them on Council nights (Tuesday in Hamilton).
- Avoid summer meetings; avoid meetings during school holidays, spring holiday, Christmas, New Year's and Easter (check for other religious holidays).
- Try to avoid double-booking with another meeting.

What about People whose Native Language is not English?

If you believe that there may be a significant portion of the population that does not speak English in your project area, what to do?

- Check the Census data and find out what the native tongue is of people residing in the area. A double-check on this may be to check the churches in the area - find out what language is used. Should there be a portion of the population that does not speak English, they are entitled to notification in their native tongue.

- Find a staff member who speaks that language and can translate the notice. Have a staff member who speaks that language as the contact with their name on the notice. The contact person needs knowledge of the matter at hand. The contact person may also have to attend the meeting to speak to the people in their native tongue.

- There are community resources such as the Community Information Service that may be able to assist you in finding a translator.

Other Staff Members

Try to anticipate what kinds of questions will arise. Determine who is best able to answer these questions and be sure they are able to attend the meeting. Brief the staff members in advance as to how the meeting will proceed and what is expected of them.

Paperwork

- Have sign-in sheets (with pens!) at the entrance. Remind people to sign in at the beginning of the meeting and at the end. This gives a record of who attended.

- Have comment sheets available. Are there specific questions that need a response? Do you want general comments? Give a time frame for submitting the comment sheets (two weeks is reasonable).

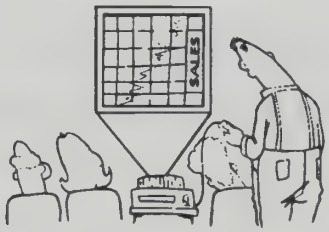
- Include the name and address and fax number of the person to whom the comment sheet should be submitted. Set a deadline date for their return and include this on the comment sheet. Include the name and phone number of the contact person.

- Are minutes of the meeting needed? Identify one person who will be responsible for the minutes.

Other Displays

Displays should be set up in advance of the start of the meeting.

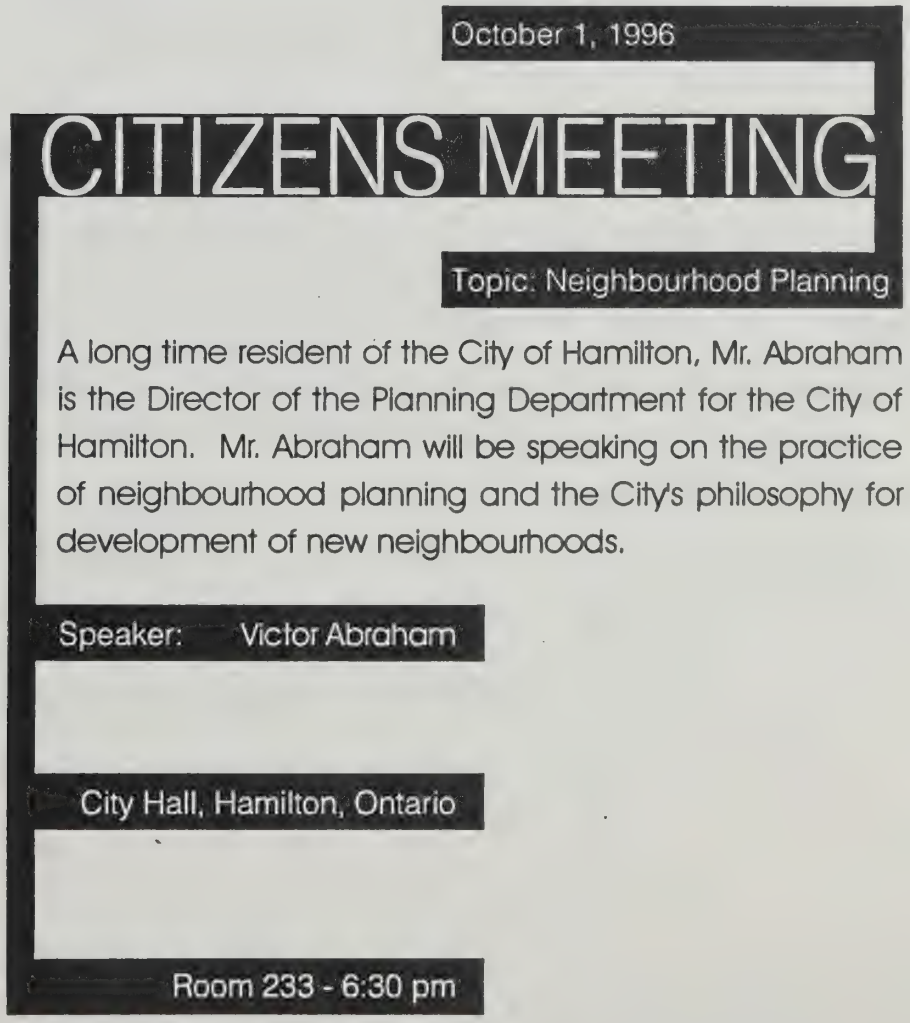
- Keep the message brief and to the point.
- Visual aides should be easily readable - check for spelling mistakes on the visual aids.
- Any material that was on display at the meeting can be kept on display in City Hall. The displays can be placed in the public areas such as the first and second floor lobbies or in the specific Department.
- Be sure the displays are large enough for people to read.




## REPORTING BACK

What is to be done with the information obtained from the public process? Ideally, the information should be used to assist the decision-makers (usually Council). The information obtained should be reported to the decision-makers in a clear manner. Do not attempt to massage the information - report it as it was given. If there is a conflict amongst opinions, report each side's opinion as accurately as possible.

Provide the people with disparate opinions with ample notice of when the decision-making meeting will be held so that he/she/they may attend. Provide a copy of any report to anyone requesting it as soon as it is available. Advise those concerned of the date and time of the decision making meeting by notice. Interested parties wishing to speak to a Standing Committee of Council should be informed that they must request to appear as a delegation before the Committee. This request is made to the Secretary of the Committee.



B(iii)

# CITY OF HAMILTON

## - RECOMMENDATION -

***DATE:*** 1995 June 26

***REPORT TO:*** Stella Glover, Secretary
Planning and Development Committee

***FROM:*** V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

***SUBJECT:*** Extension of Draft Plan Approval
"Ridgeview Estates" Subdivision

***RECOMMENDATION:***

1. That the request by T. Valery Construction Limited, owners, to extend draft plan approval for "Ridgeview Estates" subdivision under Regional File No. 25T-76046 for a further one (1) year period to August 29, 1996, be approved.

2. That the City Clerk be directed to advise the Regional Commissioner of Planning and Development of Council's decision.

V. J. Abraham J. G. Pavelka

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Location:

The "Ridgeview Estates" subdivision is located at the south-east quadrant of Upper Wentworth Street and Stone Church Road East, in the Butler Neighbourhood (Appendix "A").

History:

The "Ridgeview Estates" subdivision was originally draft approved on May 29, 1978 comprising 72 lots for single family dwellings, 40 lots for "zero lot line" single family dwellings, 36 lots for semi-detached dwellings, and a block for approximately 65 units of medium density apartments. Since then, previous requests for extension have been granted to allow the development to be phased on a market demand basis. The last extension is scheduled to lapse on August 29, 1995. The owner has requested a further extension to allow for sufficient time to complete the final phases of development.

In June, 1994, Council approved the request by the owner to extend draft plan approval for one year. At that time, the owner's agent advised that a further extension of draft plan approval would not be required. However, the owner's agent has requested a further extension as the market conditions are not favourable at this point in time.

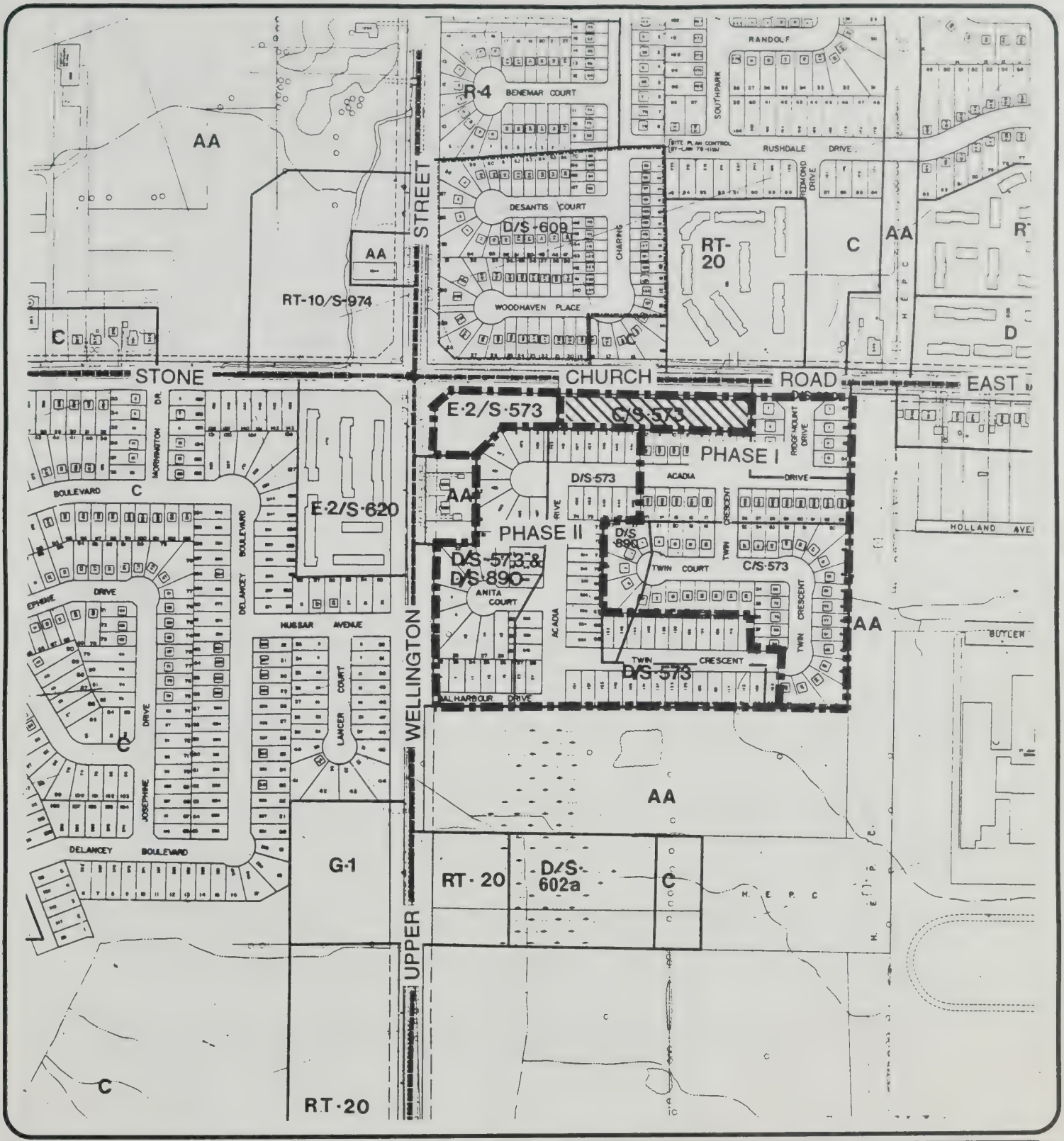
**COMMENTS:**

The original conditions of draft plan approval have been reviewed to determine if they are still applicable to the development. With two major phases of the development completed, the developer's Consulting Engineer has advised that the next phase comprising 12 lots for single family dwellings is now being processed. The only remaining phase is designated for "medium density apartments" in the Butler Neighbourhood Plan and can be developed under the site plan approvals process. Therefore, a further extension of draft plan approval should not be required.

**CONCLUSION:**

Based on the foregoing, the request for a further extension can be supported.

SR:fd
Encl.




City of Hamilton

Location Plan For

# "Ridgeview Estates"

Planning and Development Department

Legend

Area of Plan of Subdivision

Remaining Area
Draft Plan Approved

| North | Scale | Reference File No. |
|---|---|---|
| | Not to Scale | 25T-76046 |
| | Date | Drawn By |
| | JUNE 1995 | B. B. |

C.

# CITY OF HAMILTON

## -RECOMMENDATION-

**DATE:** 1995 June 28

**REPORT TO:** Alderman D. Drury, Chairperson & Members,
Planning and Development Committee

**FROM:** Stella Glover, Secretary,
Planning and Development Committee

**SUBJECT:** **Information Items**

**RECOMMENDATION:**

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(i) Local Architectural Conservation Advisory Committee Minutes dated 1995 March 13 and May 15.

(ii) Information Report from the Chief Administrative Officer and the Director of Planning and Development dated 1995 July 5 respecting South Mountain Development - Development Status.

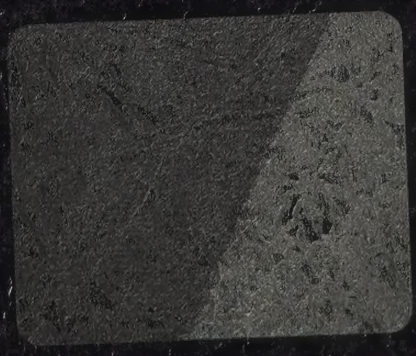
(iii) Information Report from the Chief Administrative Officer and the Director of Planning and Development dated 1995 June 28 respecting Evaluation Criteria - Rental Housing Protection Act Applications for Conversion to Condominium

(iv) Information Report from the Director of Planning and Development dated 1995 June 27 respecting Approved Site Plan Control Applications

**BACKGROUND:**

The aforementioned documents have been sent out to members of the Committee and the applicable staff for information purposes, and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure followed for these matters is recorded.





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